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SCHOOL SAFETY 18-19

School Reform News

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DC Vouchers Approved

Reuters Photo Archive

U.S. President George W. Bush listens to fourth-grader Khadijah McCain as schoolmates Damien Goolsby (2nd R) and Darlet Horton (R) look on at Pierre Laclede Elementary school in St. Louis, Missouri on January 5, 2004. Bush paid a visit to the school to talk about his administration's "No Child Left Behind" education policy.

by Robert Holland

When President George W. Bush signed a Congressional spending bill in January containing federal money to launch a school voucher program for 1,700 of Washington, DC's neediest schoolchildren, his action gave advocates of private school choice a delicious victory. But the prospect loomed of more battles ahead, both to secure the DC base and to spread it across the nation.

In 1998, Congress enacted a similar voucher initiative allowing students stuck in poorly performing DC public schools to transfer to private schools, but President Bill Clinton vetoed it. By contrast, Bush worked hard for passage of DC vouchers as a logical extension of his signature No Child Left Behind Act.

Choice advocates agreed on the inspirational value of putting the first federally funded voucher program in DC, a majority-minority school system with some of the lowest test scores in the nation.

"What a way to celebrate the 50th anniversary of *Brown v. Board of Education*," remarked Clint Bolick, vice

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Accountability Looms for Special Education

by Lisa Snell

With a new report revealing a large achievement gap between disabled and non-disabled students, increased media attention has been focused on how best to achieve accountability for special education students in traditional public schools and in charter schools under the No Child Left Behind (NCLB) Act.

In January 2004, for example, CNN headlines announced, "Special education students skew test results," leading schools to be labeled failing. A January 2004 *New York Times* editorial suggested "critics of No Child Left Behind want to abandon disabled children by

SPECIAL ED p. 6

Congress May Address Soaring College Costs

by Krista Kafer

Amid concerns about the soaring cost of college, Congress this year is expected to reauthorize the Higher Education Act of 1965 (HEA), which provides guaranteed loans, grants, and support services to college students and their families. More than half of full-time undergraduates attending four-year colleges and universities receive aid under one of those programs, with a higher percentage for those attending private institutions. While participation is higher among students from low-income families, a quarter of undergraduates from families with incomes of more than $100,000

COSTS p. 16

Cal. Schools Take Six Years to Build

by George A. Clowes

A new study from the Pacific Research Institute (PRI) reports it takes six years or longer to build a school in California. Some school construction officials say six years to build a school is a "fast track," and that even longer times are more typical. For example, a 712-seat elementary school next to the California Science Center will be finished this year, 14 years after it was conceived in 1990.

Such extended construction periods seem extraordinarily long in a world of overnight shipping, just-in-time delivery, and the need to respond quickly to consumer, business, and economic change in today's competitive environment. But they are long even by the standards of

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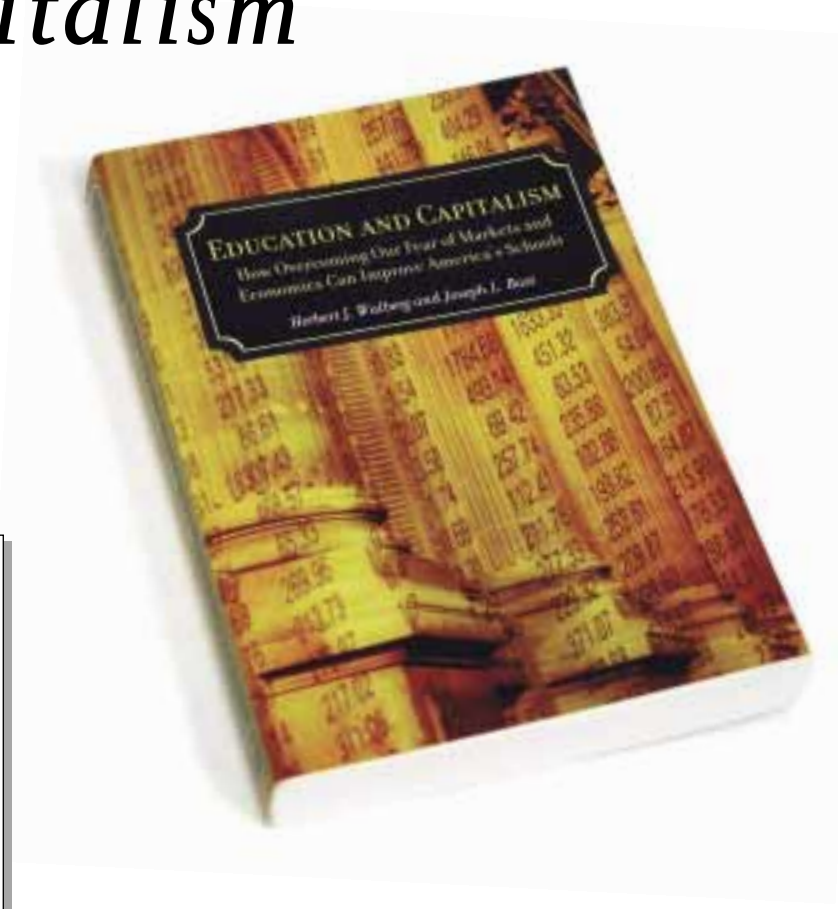
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Congress Returns to Challenges Old and New

by Don Soifer

January marked the second anniversary of the federal No Child Left Behind (NCLB) Act. President George W. Bush observed the event with an upbeat appearance at a public elementary school in Knoxville, Tennessee, where he unveiled his FY 2005 budget, containing a 48 percent increase in federal K-12 education spending over FY 2001 levels.

But around the country, critics of the landmark law did not hesitate to make their own feelings known. Democratic candidates barnstorming the state of Iowa on the eve of its Presidential caucuses were among the severest critics. Vermont Governor Howard Dean branded the law "a draconian takeover of local and state control," blasted its reliance on standardized test scores, and called its accountability measures burdensome and inflexible.

Massachusetts Senator John Kerry, who voted for NCLB, repeatedly attacked the Bush administration for subsequently underfunding it. But he also challenged NCLB on policy grounds. On the stump in Council Bluffs, Iowa, Kerry called for "judging schools on more than just test scores" and for "rewarding, not punishing, the states that make progress and implement high standards."

On Capitol Hill, those attacks did not go unnoticed by the Congressional leaders who crafted the law. On January 14, House Education Committee Chairman John Boehner (R-Ohio) released his own report, titled "NCLB Funding: Pumping Gas Into a Flooded Engine." The report found an average of more than $36 million in unspent federal Title I funds for disadvantaged students among the 50 states, excluding special education funding, as of January 6, 2004.

"The discovery that Tennessee has such a large sum of unspent education funding when so many have criticized a perceived lack of funding is surprising," remarked Representative Marsha Blackburn (R-Tennessee), whose state was found to be sitting on nearly $142 million in unspent federal education funds.

The report found Virginia had left $53 million unspent. Nevertheless, the Virginia House of Delegates in January passed a strongly worded resolution which read, in part, "NCLB contains several very expensive mandates. ... Congress has not provided sufficient funds for its mandates; for example, the voluminous computerized record-keeping requirements of the law will cost literally millions of dollars that Virginia does not have."

Local Flex Underused

Last fall, Seattle became the first district in the nation to enroll in NCLB's Local Flexibility pilot program. "Local Flex" allows school officials to combine several categories of federal funding and redirect spending to local priorities, at their discretion. Funds that can be combined include Teacher and Principal Training and Recruitment, Safe and Drug-Free Schools, Innovative Programs, and Ed Tech.

In turn, participating school districts must show the funds are being used to increase academic achievement based on specific, measurable education goals and strategies.

While NCLB allows 80 school districts nationally to enroll, Seattle so far remains the sole participant.

"The report found Virginia had left $53 million unspent. Nevertheless, the Virginia House of Delegates in January passed a strongly worded resolution which read, in part, 'NCLB contains several very expensive mandates. ... Congress has not provided sufficient funds for its mandates; for example, the voluminous computerized record-keeping requirements of the law will cost literally millions of dollars that Virginia does not have.'"

Inadequate Notification about Choices

Another report issued by the House Education Committee in January concluded many states did an inadequate job of implementing the new options NCLB offers parents. It found some states to be unduly slow in making test scores available and designating schools as being in need of improvement.

The report, "NCLB's School Transfer and Free Tutoring Provisions: Are States and Schools Providing Adequate Notice to Low-Income Parents about Their Options?" cited numerous press accounts that pointed to shortcomings in many school districts, including Chicago and New York City.

While the report noted state approval of supplemental service providers for NCLB's new portability has increased in the current school year, it characterized the progress as uneven.

Rod Paige, U.S. Secretary of Education

More Choice Funds in Bush Budget

A $50 million Choice Incentive Fund once again represented a school reform highlight in the proposed FY 2005 budget unveiled by Bush in January.

"This action builds upon the No Child Left Behind Act and other efforts to make certain every child in this country receives a quality education," said Education Secretary Rod Paige, "and we mean every child, regardless of race, special needs, income, or geography. All children in America deserve the chance to learn and thrive."

The fund has been proposed by the President in previous budgets and is a separate entity from the first-ever federal vouchers for children in the District of Columbia. (See "DC Vouchers Approved," page 1.)

One proposed use for the funds is a new federal education tax credit, proposed by Representative Trent Franks (R-Arizona). Franks, who named his proposal The Children's Hope Act, believes it will build on the successes of Arizona's scholarship tax credit, which he authored.

"This is a unique, cost-free charitable opportunity to improve a child's life and their chance at the best education possible," said Franks. The $100 federal tax credit ($200 for joint returns) comes on top of qualified state tax credits of $250 or more and is designed to encourage states to adopt tax credits of their own.

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INTERNET INFO

The two Congressional reports—"NCLB Funding: Pumping Gas Into a Flooded Engine" and "NCLB's School Transfer and Free Tutoring Provisions: Are States and Schools Providing Adequate Notice to Low-Income Parents about Their Options?"—are available from the Web site of the House Education Committee at **http://edworkforce.house.gov**.

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Vouchers

Continued from page 1

president of the Institute for Justice, a public interest law firm that has fought for school choice in many courtrooms.

"This is a truly historic development," said John Kirtley, president of Children First America, a corporate-led group that supports choice as a key element of school reform.

Kirtley said he was particularly pleased that vouchers were primarily "locally driven" and that bipartisan support came into play in Congress. DC Mayor Anthony Williams, City Councilman Kevin Chavous, and School Board President Peggy Cooper Cafritz were key supporters, along with hundreds of DC parents.

In Congress, the endorsement of U.S. Senator Dianne Feinstein, a California Democrat, was significant. Feinstein had never endorsed a voucher proposal but said she was impressed by the level of educational need and local support for this proposal.

Government Reform Committee Chairman Tom Davis (R-Virginia) introduced the voucher proposal.

Jeanne Allen, president of the nonpartisan Center for Education Reform, said approval of vouchers for DC "gives a tremendous boost to the cause of more choice for parents, and makes it something people across the country will want to know about."

While they shared in the excitement, some leading proponents of choice did not believe the DC venture should be the exact model for follow-up voucher programs in other cities.

Noting the $14 million for DC vouchers was linked with $26 million in "new money" divided equally between the DC public school system and its charter schools, Nobel Laureate Milton Friedman remarked, "these are obviously expensive vouchers—$40 million for 2,000 vouchers or $20,000 per voucher, of which at most $7,500 goes to the school accepting the voucher. The rest goes as compensation to the educational establishment for enrolling fewer students!"

Economist Friedman, founder of the Milton and Rose D. Friedman Foundation, is considered the father of the voucher movement as a result of his seminal writings on the subject starting in the 1950s.

Officials of the Friedman Foundation added that, despite its imperfections, the DC voucher program sets a good example of bipartisan support for rescuing children from failing schools and could inspire others to adopt their own programs.

"Although he opposed vouchers," noted Friedman President and CEO Gordon St. Angelo, "Rep. Danny Davis (D-Illinois) fully understood what the passage of the DC program would mean nationwide. As he said on the House floor, 'It is DC today. It is Chicago tomorrow; St. Louis, New Orleans, Los Angeles next week. Then it is all over America.'"

Cato Institute analysts said the DC program is a "good start," but one that is far from perfect. For one thing, noted David Salisbury, director of Cato's Center for Educational Freedom, the fact that the voucher money doesn't come out of the budget of the public school system means the loss of voucher students won't be felt financially. Hence, "much of the incentive for the public schools to improve will be gone."

Foes of vouchers vowed to fight to halt the program. Massachusetts Senator Ted Kennedy and DC Delegate Eleanor Holmes Norton said they would back legislation to repeal DC vouchers and send the money to the public school system. Anti-choice organizations also were expected to file suit, as they almost always have following adoption of vouchers or education tax credits.

"Even after this vote," asserted Kennedy, "don't bank on vouchers coming to DC."

Nevertheless, the vote cleared the way for U.S. Secretary of Education Rod Paige and DC Mayor Williams to confer on selecting an entity or entities to run the program and dispense vouchers, according to terms of the legislation. (See accompanying story for the basics of how the program will work.)

Roll Call Photos

Noelle Tucker, 2, rests on the shoulder of her mother Tracy during a news conference to call for passage of the D.C. Choice intitiative, which would allot money from the D.C. appropriations bill to low-income families with children in failing schools to receive vouchers to send their children to better schools.

Robert Holland is a senior fellow at the Lexington Institute, a think tank in Arlington, Virginia. His email address is **holland@lexingtoninstitute.org**.

The 5Ws of the DC School Choice Incentive Act

by Robert Holland

In the journalistic tradition of the 5Ws (plus one "H"), here are the basics of the school voucher program for the District of Columbia that Congress included in its omnibus appropriations act of 2004 and that President George W. Bush signed into law:

Who: At least 1,700 children who reside in the District and whose family income does not exceed 185 percent of the poverty line. Those who attend public schools identified as in need of improvement under the No Child Left Behind Act will receive top priority.

What: Vouchers in an amount depending on financial need but not to exceed $7,500 to go toward tuition, fees, and transportation costs, if any, for a child to attend a private elementary or secondary school within the District.

When: The first voucher students will enroll this fall. Congress authorized the program for five years.

Where: Private schools in the District that decide to participate in the program. The legislation deems parents, not the participating schools, as recipients of federal funds. Participating schools that are religious are allowed to retain their religious character through hiring practices, teaching mission, and use of symbols and names. In addition, parents may choose, and schools may offer, single-sex instruction.

There are, however, a number of requirements for participating schools.

- They may not discriminate against applicants on the basis of race, color, national origin, religion, or sex, and if there are more applicants than spaces available, they must accept voucher students via a process of random selection.
- They must cooperate with an independent evaluation of the program's effectiveness.
- They must make annual reports to parents of voucher students on safety and academic performance.
- They may not charge voucher students higher tuition or fees than they charge other students.

A private school also must be able to demonstrate that it is "financially responsible" in order to participate.

Why: Findings of Congress in Section 302, Title III, lay out succinctly why the DC School Choice Incentive Act has come into being. Here are some of the main reasons:

"Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their child.

"For many parents in the District of Columbia, public school choice provided for under the No Child Left Behind Act of 2001, as well as under other public school choice programs, is inadequate due to capacity constraints. Available educational alternatives to the public schools are insufficient and more educational options are needed. In particular, funds are needed to assist low-income parents to exercise choice among enhanced public opportunities and private educational environments, whether religious or nonreligious ..."

The findings additionally point out that upwards of three-fourths of DC public school students have been scoring "below basic" on the math and reading tests of the National Assessment of Educational Progress. A lower percentage of DC students reach grade-level proficiency than students in any of the 50 states.

How: The U.S. Secretary of Education (Rod Paige) will take applications from organizations interested in running the voucher program. To be eligible, an organization must be an "educational entity" of the District, a nonprofit group, or a consortium of such groups. The Secretary will consult with the Mayor of the District (Anthony Williams) in choosing from among the applications. The Secretary and Mayor also will jointly select an independent authority to evaluate annually the performance of voucher students. Once chosen, the program administrator will let parents know how they can apply for the school-choice aid.

Robert Holland is a senior fellow with the Lexington Institute, a think tank in Arlington, Virginia. His email address is **holland@lexingtoninstitute.org**.

INTERNET INFO

A more detailed explanation is available at the Web site of the Council for American Private Education, **http://www.capenet.org**. The site also has a link to the full text of the DC School Choice Incentive Act of 2003.

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Vermont Governor Pushes Public School Choice

by George A. Clowes

Any Vermont child should be able to attend any of the state's public schools, said Vermont Governor James H. Douglas (R) in his State of the State address in Montpelier on January 6. The Republican governor's support for public school choice was echoed later in the month by the State Board of Education, which took two votes and heard public testimony on the subject.

While acknowledging the support Vermonters give to education and the efforts of many dedicated teachers and administrators, Douglas said equality of educational opportunity continued to escape too many children. He proposed a statewide K-12 public school choice program where a portion of the state's annual $6,800 per-pupil block grant would follow the child from school to school.

"The time has come to find an alternative that gives every child, regardless of residence or economic background, a truly equal opportunity for a first-class public education that meets his or her needs," declared Douglas. "School choice should not be a privilege reserved only for the wealthy. It should be the right of all Vermonters."

Education Commissioner Richard Cate, who was recently hired by the state Board of Education, said he wasn't ready to endorse the governor's proposal until his concerns about the schools and students left behind had been addressed. Spokesman Jason Gibbs told the *Rutland Herald* that Douglas was willing to discuss the issue but also said it's "important to remember that the funding is for the child and should go where the student wants to go."

On January 15, seven of the nine state Board of Education members voted informally to endorse school choice prior to a formal meeting on January 20 with input from the public.

"One of the benefits of [educational choice] is it gives parents and students the right to choose and increases parental involvement in the child's education," said Board Chairwoman Diane Mueller.

At its January 20 meeting, the Board heard testimony on school choice from about 30 members of the public, with the overwhelming majority speaking in favor of school choice. John McClaughry, president of the Ethan Allen Institute, and Libby Sternberg, who heads Vermonters for Better Education, were among those who testified.

McClaughry reminded board members that Vermont had been a national leader in parental choice in education since 1869 when the tuitioning program was launched. Some 6,000 students in 90 tuition towns now choose among a variety of public and nonsectarian independent schools. The tuitioning system is extremely popular, administratively workable, and well-understood, noted McClaughry. He argued it should be extended to benefit all Vermont children.

"The time has come to find an alternative that gives every child, regardless of residence or economic background, a truly equal opportunity for a first-class public education that meets his or her needs."

GOV. JAMES H. DOUGLAS

"Public school choice does not go far enough to meet all parents' and children's needs, especially in offering moral and religious standards," said McClaughry. "But it is an important beginning. It affirms that the purpose of spending $1 billion of our taxpayers' dollars is to educate our children, not to protect and accommodate government educational monopolies that may or may not offer what parents and children want."

Those views were echoed by South Burlington resident Sheldon Katz, who said, "Public school choice does not provide the diversity necessary to make choice effective."

After the testimony and some discussion, seven of nine board members approved the following resolution:

"The State Board of Education supports the general concept of public school choice. We encourage the legislature to ensure that the development of any new system of enhanced choice address the needs of all students. The State Board plans to be an active participant in this process."

George A. Clowes is managing editor of School Reform News. *His email address is* **clowes@heartland.org**.

Leading Democrat Offers Choice Bill in New Mexico

by George A. Clowes

In a move that could signal a major change in the politics of school choice, New Mexico Senate Majority Leader Manny M. Aragon (D-Albuquerque) in January introduced a school choice bill that would allow more than 30,000 K-8 students from low-income families to exit New Mexico's public schools over the next four years and transfer to a private school or another public school using a student scholarship worth an average of about $6,500.

After the U.S. Supreme Court declared vouchers constitutional in the 2002 *Zelman* decision, school choice advocates anticipated new programs would be approved in states where Republicans held the governor's office and were in majority positions in the House and Senate. Although both Colorado and Texas met those conditions, only Colorado has approved a new voucher program. In New Mexico, Democrats control all the legislative levers.

Aragon's bill, the Parental School Choice Scholarships Act, SB300, is a four-year pilot program that focuses its efforts on New Mexico public school districts with a high incidence of high school dropouts, low-income students, low test scores, wide achievement gaps among ethnic groups, and schools classed as in need of improvement under the state's accountability system. Eleven such districts enrolling a total of 162,686 students are named in the bill, including Albuquerque, Las Cruces, Gallup-McKinley, Gadsden, and Santa Fe.

"The plan would allow up to 20 percent of the K-8 students enrolled in [targeted] districts to exit their assigned public school and transfer to a public charter, magnet, or alternative school or to a private sectarian or nonsectarian school ..."

The plan would allow up to 20 percent of the K-8 students enrolled in those districts to exit their assigned public school and transfer to a public charter, magnet, or alternative school or to a private sectarian or nonsectarian school, with their parents being solely responsible for the selection of the school. Parents would receive a student scholarship note worth up to 80 percent of the per-pupil expenditure in the student's school district, and that note would be endorsed over to the school to cover tuition and fees. Eligibility in the program would be limited to families whose income did not exceed 185 percent of the poverty level.

"A pilot program would prove whether or not school choice works," said Aragon.

With the 2003-04 per-pupil expenditure in the 11 districts averaging $8,094, the value of the average student scholarship would be $6,475. The remaining $1,619 of per-pupil expenditure would remain with the district to create a pool of funds for eligible students at private schools to apply for scholarships. A total of 32,537 public school students would be eligible for scholarships, which would leave behind a total of $52.7 million to fund an additional 8,100 eligible students currently attending private schools.

A student scholarship funded at 80 percent of the district's per-pupil cost produces a win-win situation for parents and for the school district, said Tim Walsh, who worked with Aragon in helping craft the bill. Walsh teaches K-5 physical education in the Albuquerque Public Schools and was education policy advisor for former Governor Gary Johnson.

"The bill will allow low-income parents to select the school that's best for the education of their child," he said, "and the reduced enrollment will allow the public school districts to reduce class sizes and have lower student-teacher ratios."

Walsh also pointed out another feature of the bill that's likely to attract the interest of lawmakers in these times of tight budgets: It calls for no new dollars.

New Mexico Democrats first supported school choice legislation two years ago when Aragon introduced the Student Options Act, SB443, to provide school choice for dropouts and for children who qualified for the Free and Reduced Lunch Program in Albuquerque. Although the bill ultimately died, it moved farther and faster than any school choice legislation previously had.

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INTERNET INFO

The text of New Mexico Sen. Manny M. Aragon's proposed "Parental School Choice Scholarships Act," SB300, is available online at **http://www.legis.state.nm.us/Sessions/04%20Regular/bills/senate/SB0300.html**.

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Special Ed

Continued from page 1

counting them out of the push for higher standards."

Prompting much of this interest was a new report from *Education Week* and the Pew Charitable Trust, titled "Quality Counts 2004: Count Me In: Special Education in an Era of Standards."

The Quality Counts report examines special education and accountability, pointing out that "within a decade, federal law requires that all students—including those with disabilities—be performing at the 'proficient' level on state tests." The report reveals a sizeable achievement gap between disabled and non-disabled students. Specifically:

- On fourth-grade reading tests, 30 of the 39 states with complete data had achievement gaps of 30 percentage points or more between special and general education students.
- In Arkansas, Iowa, Montana, New Hampshire, Oklahoma, and Vermont, the gaps were more than 50 percentage points.
- Gaps in eighth-grade reading tended to be even wider. Only five of the 39 states—Michigan, Mississippi, Nebraska, South Carolina, and Texas—reported achievement gaps under 30 percentage points.
- On high school reading exams, 32 of 36 states reported achievement gaps larger than 30 percentage points.

The Quality Counts report also noted no state had linked special education funding to student achievement or any other performance measures for special education students.

Charter Challenge

Charter schools face unique challenges serving special education students. Last year, about 2,700 charter schools served approximately 700,000 children. If special education students make up between 7 and 10 percent of charter school enrollment, this represents between 49,000 and 70,000 special education students enrolled in charter schools.

Special education accountability has played a role in the closure of a few charter schools nationwide. For example, in 2003 the Illinois State Board of Education revoked the Thomas Jefferson Charter School's charter when it failed to achieve compliance with federal special education law; in Ohio, the state Department of Education cited the Summit Academy of Canton for special education failures; and the Arizona Department of Education reported charter schools receive more special education complaints than do traditional public schools.

Much of the charter school movement's difficulty with special education is caused by the funding model for special education students. In most cases, special education funding does not follow the child into the charter school. The most common model for special education funding is that the sponsoring district keeps the special education funding and provides special education services to the charter school.

The largest drawback to accepting special education services from a school district is that charter schools must then accept the same quality of service the district provides to all special education students and lose the flexibility and funding to test innovative special education models.

Another drawback is that school districts do not always meet their contractual obligation to provide services to special education students in charter schools. For example, in November 2003, the U.S. Department of Education's Office of Inspector General (OIG) released its audit of how New York State local school districts handled their responsibilities toward charter schools with respect to special education funding. The OIG found charters were being cheated out of IDEA funds to which they were entitled, and that local districts had made it difficult-to-impossible for charters to get legally mandated special education information.

In California, school districts have found that providing special education services for charter schools can be a revenue-generating proposition for the district. A large charter school that serves at-risk high school students has generated close to a million dollars in special education funds for the sponsoring district but uses only a small fraction of those resources to serve special education students enrolled in the charter school. In essence, it is possible for school districts to make generous "profits" on charter school special education students.

Taking the Money

Charter schools may legally have the option to take the per-pupil special education funding for themselves instead of receiving special education services from the sponsoring district. Yet charter schools usually opt for the services because of the potential cost of special education and the risk to the charter school's limited finances if the charter school enrolled a high-cost special education student.

In addition, if a charter school receives its special education dollars directly, the authorizing district may still try to charge special education fees to the charter school. Under California state law, for example, the authorizing district is allowed to levy a tax on charter schools to pay for districtwide special education programs, but the law doesn't specify a percentage. In 2003, the *Los Angeles Daily News* reported that Los Angeles Unified officials proposed taking 40 percent of special education funding from the Vaughn Next Century Learning Center and the Fenton Avenue Charter School to pay for districtwide legal and administrative costs. As a result, the two schools would lose some $600,000 used for exemplary special education programs for more than 400 special education students.

"This is totally discriminating against special education kids in charter schools," Vaughn principal Yvonne Chan told the *Daily News*. "This is destroying a special education program that has worked in the last 10 years."

An emerging strategy for charter schools is the pooling of resources among schools in a state to achieve collective purchasing power. Charter schools in Washington DC and Indiana have formed special education cooperatives to share specialized staff and limit the potential financial risk. These cooperatives have given charter schools more control over their special education funding and quality of service provision.

Charter school advocates have argued the schools can serve special education students better than public schools do because of the charters' mainstreaming approach, small classrooms, and individualized instruction.

In testimony before the President's Commission on Excellence in Special Education in 2002, Elizabeth Giovanetti, managing director of special education services for New American Schools, noted, "Parents of children with mild to moderate learning disabilities often find that their child performs best in a charter environment, given the student-centered focus, small scale, and the emphasis on achievement and accountability."

Little Data to Analyze

It is difficult to test whether the charter school model leads to better outcomes for special education students. While NCLB requires test scores to be disaggregated by subgroup, schools with small sample sizes are not required to report test score data. Therefore, only very large charter schools and public schools are required to report their special education data. This makes it difficult for education researchers to understand the effect of charter school innovation on student achievement.

In addition, the unintended consequence of the current law is that it discriminates against large schools that seek out and serve students with disabilities. A school with high academic growth but a large special education population may be designated as failing, while a school with lower overall academic achievement but a smaller special education subgroup may not be penalized because the special education data are not scrutinized. This discourages charter schools and other public schools from working to effectively serve special education students.

The ability of researchers to test innovative special education models would be improved if schools were required to report the test score data for these small groups for research purposes, while continuing to suspend NCLB penalties for small sample sizes.

Lisa Snell is director of the education program for the Reason Foundation in Los Angeles. Her email address is **lsnell@reason.org**.

INTERNET INFO

The 2004 "Quality Counts" report from *Education Week* and the Pew Charitable Trust, "Count Me In: Special Education in an Era of Standards," is available online at **http://www.edweek.org/sreports/qc04**.

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'No Child Left Behind' Fuels Fierce Debate

Critics are many, but law has solid public support

by Robert Holland

The bouquets and brickbats No Child Left Behind (NCLB) received on its second birthday in early January intensified a debate over the federal education law that is likely to last throughout this Presidential election year. For NCLB, 2004 could be a make-or-break year.

On January 8, 2002, President George W. Bush signed into law the beefed-up reauthorization of the LBJ-era Elementary and Secondary Education Act (ESEA), achieving overwhelming bipartisan support. He and the law's supporters contend NCLB is reforming public education by for the first time shining a spotlight on subgroups of poor, minority, and disabled children and insisting schools help them progress steadily toward grade-level achievement.

"As evidence of early positive results for NCLB accountability, Bush cited nine-point gains on fourth-grade National Assessment of Educational Progress (NAEP) math tests since 2000, and a five-point gain in eighth-grade reading scores over the same period."

Speaking at an NCLB birthday party in Knoxville, Tennessee, the President declared that to "challenge the soft bigotry of low expectations and to raise the standards for every single child," it is necessary to test pupils every year in core subjects, as the NCLB requires states to do in grades 3-8 as a condition of receiving federal aid.

"If you don't test," the President declared, "you have a system that just shuffles the kids through."

As evidence of early positive results for NCLB accountability, Bush cited nine-point gains on fourth-grade National Assessment of Educational Progress (NAEP) math tests since 2000, and a five-point gain in eighth-grade reading scores over the same period. However, some testing specialists contend NCLB has not been in operation long enough to affect NAEP scores.

Solid Public Support

Bush and NCLB supporters on Capitol Hill also pointed to evidence of public support for NCLB standards and accountability. A national survey conducted in early January for Americans for Better Education by The Winston Group found a solid majority of Americans view NCLB favorably, with support highest among African-Americans and parents of children in public schools.

More than 100 black and Latino school officials signed a letter to Congress condemning calls to repeal NCLB's accountability requirements, asserting the naysayers would "turn back the clock to a time when schools—particularly in suburban communities—could coast comfortably on the performance of a handful of high-performing students and hide serious problems behind misleading averages."

Criticism and Regret

Many of the Democrats who once supported NCLB, together with their allies in the teacher unions—who long have argued for greater federal involvement in education—were condemning NCLB as unfair and inadequately funded. In campaigning for the Iowa caucuses and New Hampshire primary, Democratic hopeful Howard Dean was particularly biting in his criticism of NCLB. As governor of Vermont, he had even threatened to withdraw the state from NCLB and forgo the federal funds it provided.

Dean echoed the National Education Association (NEA) in charging NCLB uses a "one-size-fits-all" formula that imposes "rigid and expensive mandates" on local schools.

"This federal takeover of public education is the last thing we need," declared Dean. "I never understood why Washington politicians think they can design a cookie-cutter policy that will work for all local schools."

Another Democratic Presidential aspirant, Senator John Edwards of North Carolina, said he regretted voting for NCLB. The chorus of Democratic laments over federal influence on public education prompted a wry observation from Andrew J. Rotherham, director of education policy for the politically centrist Progressive Policy Institute.

"When you start to hear national Democrats talking as if they are keynote speakers at the Federalist Society [a conservative legal group], that should be a cause for concern," said Rotherham, who added that pulling the rug from under NCLB would run counter to the "equity for poor and minority kids" that Democrats have championed.

Some GOP Critics, Too

The national Democratic critics of NCLB attracted surprising support from a number of Republican state legislators. In Virginia, the Republican-controlled House of Delegates voted 98-1 to ask Congress to exempt the Old Dominion from NCLB's requirements. The resolution stated that NCLB "represents the most sweeping intrusion into state and local control of education in the history of the United States" and will cost "literally millions of dollars that Virginia does not have."

In Utah, Republican Rep. Margaret Dayton offered a one-sentence bill that would opt the state out of NCLB and forgo the funds. She contends the costs of implementation exceed what the state receives from NCLB. Indiana, North Dakota, Ohio, and Vermont are among the states launching studies to determine if NCLB costs more than it's worth.

It's About Money

Money is central to the political disputes. With passage of the FY 2004 omnibus appropriations bill, states have received an average increase of 42 percent in federal Title I aid since NCLB was signed into law, according to an analysis by the majority staff of the House Education Committee. Title I is the key program under the ESEA intended to close the achievement gap for minority children.

Yet Democratic critics contend NCLB spending since 2001 has fallen more than $7 billion short of what Congress authorized. The explanation lies in the fact that Congress frequently authorizes far more for programs than it later appropriates.

"When Democrats controlled Congress and the White House, they routinely appropriated less than they technically authorized for major education programs, yet the NEA never once accused President Clinton of underfunding education," noted House Education Committee Chairman John Boehner (R-Ohio). "But when a Republican President moved into the White House, the NEA moved the goalposts."

Boehner further contended Washington has increased education spending so rapidly over the past few years that many states haven't even been able to spend hundreds of millions of dollars appropriated to them in FY 2000 through FY 2002. Unspent Title I dollars total almost $2 billion.

"We are pumping gas into a flooded engine," Boehner commented.

As for Virginia and the legislature's money complaints, Eugene Hickok, acting deputy director of the U.S. Department of Education, noted the Old Dominion has $170 million in unspent federal education funds, dating to 2000.

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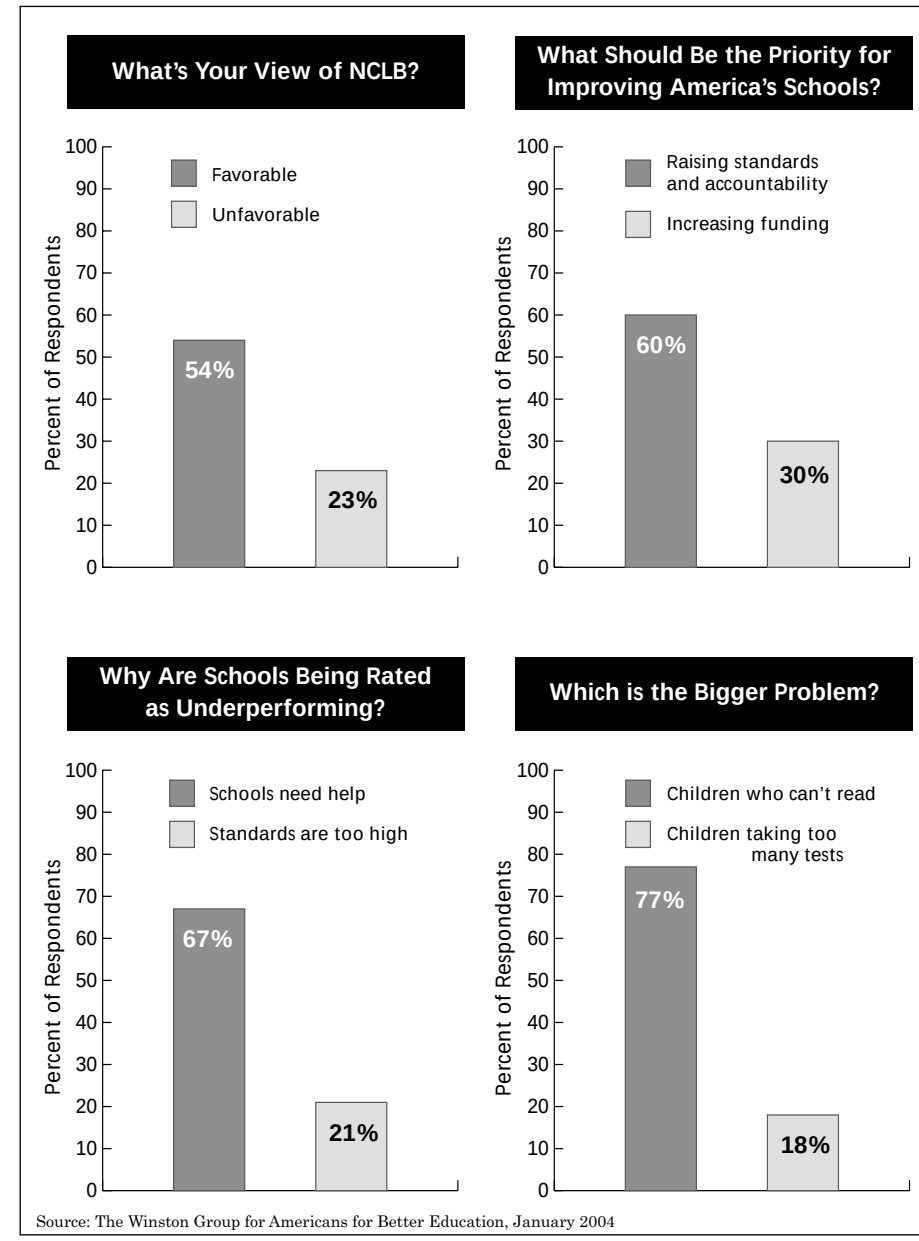

Source: The Winston Group for Americans for Better Education, January 2004

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Six

Continued from page 1

the computer-free world of the 1930s, when the Empire State Building took just 14 months to build and the Hoover Dam took only five years.

Extended school construction periods are hardly a new problem for California. Fifteen years ago, State Senator Leroy Greene asked: "Why, under the best of circumstances, is it taking between six and eight years to build a new high school?"

The answer, according to the PRI study, "No Place to Learn: California's School Facilities Crisis," is a complex approval process that involves five major state agencies plus seven other state agencies with 40 programs that may become involved in school construction. To ensure accountability for expenditure of tax dollars, projects "must comply with many different state and federal laws and regulations," according to the Office of Public School Construction (OPSC).

Although local school districts are supposed to be able to "carry out their own construction projects," in fact everything is a joint venture with the state, working with a wide range of agencies such as OPSC, the School Facilities Planning Division of the California Department of Education, the Department of Toxic Substances Control within the California Environmental Protection Agency, the California Energy Commission, the Department of Conservation, the Office of Advanced System Planning, and the State Water Resources Control Board.

"This bureaucratic maze creates lengthy delays and boosts costs," notes the study's author, K. Lloyd Billingsley, who points out that the costs of public-sector construction are generally from one-third to one-half more expensive than private-sector costs.

According to the Los Angeles Unified School District, there are 22 "functional steps" for each phase of a school construction project, each including multiple operations, forms, approvals, and analyses.

Despite this multi-layered oversight, the accountability system for school construction nevertheless failed taxpayers spectacularly with the spending of $175 million to create the Belmont Learning Center, which sits unusable on a Los Angeles site that emits poisonous gases. Another $111 million will be spent to make the school usable, bringing the total cost to $286 million—more than $100,000 per seat.

Even though school officials permitted Belmont to be built on a toxic site and possible criminal violations were referred to law enforcement agencies, no prosecutions ensued. Four employees left or retired and the district "punished" five others by making them take a year off—with pay.

"As far as can be discerned, nobody was fired, which itself would have involved a lengthy, expensive court-like process," reports Billingsley. "Firing incompetent officials or teachers is a practical impossibility in the current system, one reason why incompetent officials remain on their jobs."

Reforms recommended in "No Place to Learn" include:

- building schools according to the Uniform Building Code rather than having a separate code for schools;
- providing grants to school districts to allow them to plan, finance, and build their own schools;
- eliminating prevailing-wage laws, which were originally created to bar blacks from public works projects;
- encouraging residential site developers to build schools.

The report also recommends implementing several school choice options, such as:

- providing parents with vouchers to allow them to choose among government-run and privately run schools for their children;
- allowing for the easier creation and renewal of charter schools;
- encouraging homeschooling in order to free up classroom space.

"It is not acceptable that the leading high-tech state finds it difficult to build schools," said Billingsley. "Reform is necessary to provide the students of California with the facilities they need, while respecting taxpayers and maintaining accountability."

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"Despite this multi-layered oversight, the accountability system for school construction nevertheless failed taxpayers spectacularly with the spending of $175 million to create the Belmont Learning Center, which sits unusable on a Los Angeles site that emits poisonous gases."

INTERNET INFO

The Pacific Research Institute's January 2004 study by K. Lloyd Billingsley, "No Place to Learn: California's School Facilities Crisis," is available online at **http://www.pacificresearch.org/pub/sab/educat/2004/facilities/facilities01.05.04.pdf**.

Icky School Bathrooms Now Unlawful in California

While a recent study indicates it takes six years or more to build a new school in California, any problems with bathrooms in those schools must be fixed within 30 days, thanks to heightened state accountability requirements that went into effect on January 1.

Bathrooms in the Golden State's public and private schools that are dirty, unstocked, or contain broken equipment are now against the law, and schools risk the loss of state maintenance funds if the problems persist.

"This legislation will ensure clean bathrooms for our students," said State Senator Kevin Murray (D-Los Angeles), the author of the legislation, SB 892.

The California Teachers Association supported the new law, as did the California School Employees Association, which represents custodians. According to the *Sacramento Bee*, private school officials regard the law as unnecessary state intrusion, while representatives of public schools indicated they would try to hold the state responsible for funding the new bathroom mandate.

— G.C.

INTERNET INFO

The clean bathroom law that was added to California's Education Code is available online at **http://info.sen.ca.gov/pub/bill/sen/sb_0851-0900/sb_892_bill_20030911_enrolled.html**.

Choice Would Bring Accountability to Schools

In a 1999 interview with *School Reform News*, Reason Foundation scholar Alexander Volokh explained how choice would discipline schools to be more accountable to parents without the need for government agencies to tell each school in minute detail how to run every aspect of their operations.

"In solving most problems in society, we've never had the idea that there has to be one single way to do it. For example, if you're running a factory, then you have the choice of following whatever policies you've seen or read about in all sorts of different factories ...

"What society does with the factory owner is to say: 'We'll put you in an environment where you'll have the incentive to figure out what is best for your factory.' The incentive is that you have to provide a good deal for your customers or they'll buy someone else's product. If you adopt some way of running your factory that gives you very high costs and poor quality, we don't need to force you not to do that, because you're unlikely to succeed if you continue doing it. The factories that will tend to succeed are those that adopt policies that give them lower costs and a higher quality product.

"It would be the same with schools if there were freedom of choice and the discipline of accountability. If each school could decide on whatever policy it thought was best for its own particular needs, then those that chose bad policies—resulting in increased violence instead of decreased violence—would suffer because parents would not choose those schools.

"With those twin elements of choice and accountability, you would have an institutional structure where you wouldn't have to tell individual schools what to do. Individual schools would have a powerful incentive to find what it is that works."

— G.C.

INTERNET INFO

The September 1999 *School Reform News* interview with Alexander Volokh, "School Violence Prevention: Choice and Accountability Are Key," is available online at **http://www.heartland.org/Article.cfm?artId=11228**.

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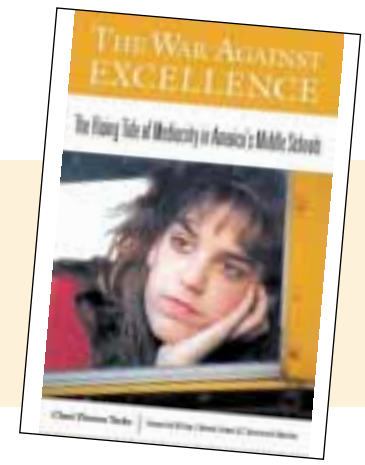
BOOK REVIEW

Schools No Longer Teach American Values

Heterogeneous groupings aim for homogeneity



The War Against Excellence:
The Rising Tide of Mediocrity in America's Schools

by Cheri Pierson Yecke
(Praeger Publishers, 2003;
296 pages, $49.95, ISBN: 0275981169)

by Jonathan Butcher

One of the expectations parents have for schools is that they affirm in their offspring the nation's fundamental values and promote academic excellence.

Parents wouldn't find that in many schools today, according to Cheri Pierson Yecke in her new book about the middle-school reform movement, *The War Against Excellence: The Rising Tide of Mediocrity in America's Schools*.

"American values such as rewarding individual effort, honoring individual achievement, and promoting healthy competition have given way to a capricious smorgasbord of liberal ideas that undermine ... traditional values in many of our schools," writes Yecke, arguing the movement's core values are un-American.

"Beliefs driving radical equity include the leveling of achievement and the desire for equality of outcomes," she adds. "This is in stark contrast with the premise underlying our nation's founding principles."

That stark contrast is why Yecke, who is Minnesota's Commissioner of Education, writes in her introduction, "[T]his is a story that has to be told." The story she tells is meticulously researched, well-documented, and rich with supporting evidence.

Yecke relates the history of American middle schools, focusing on a reform movement dedicated to egalitarianism that took shape in the middle of the twentieth century. As part of that movement, a body of research and literature grew around the following key ideas:

- middle-school students cannot learn challenging material;
- treating students differently based on skill level is harmful; and
- middle schools should be used to conduct social experiments.

The National Middle School Association (NMSA), founded in 1973, embraced those ideas and, as Yecke documents in the book, led a movement to make all students equal through the suppression of excellent students. Yecke provides titles and excerpts from many of the NMSA's conference sessions and published articles to show how the group spread its bias against gifted students and content-based curriculum.

This, writes Yecke, is unethical. "Public schools were never meant to be the vehicle for massive social experiments aimed at achieving the questionable utopian goals of an elite few," she writes.

Clearly the most destructive and widely practiced method to accomplish these ends is the educational practice of "heterogeneous grouping." Here students within classes are broken into groups and given group assignments. The groups intermingle talented students with students who, though capable, either do not apply themselves to the same degree or do not grasp concepts as quickly.

The result of this heterogeneous grouping is that gifted students who already understand the material are not challenged by the content, thereby preventing their advancement and attenuating their ability to perform. At the same time, the students who do not grasp the material as quickly do not participate as much in the project at hand, convinced the more talented students can do the work faster and more completely. These non-participants, who are in need of practice far more than the gifted students, then fall further behind their peers.

Yecke explains how this process also takes place with other instructional practices such as peer tutoring and cooperative learning.

Thus, in an attempt to treat all students equally, proponents of egalitarianism and "heterogeneous grouping" effectively restrain the academic growth of more talented students while also alienating other students who simply take longer to grasp the same concepts.

"Amazingly," writes Yecke, the message from the proponents of egalitarianism "is that high-ability students should succumb to peer pressure and strive not to achieve, or they will risk making their classmates look bad—and their actions might even go so far as to force these non-motivated students to work harder!"

Jonathan Butcher is a research assistant in domestic policy at The Heritage Foundation. His email address is **jonathan.butcher@heritage.org**.

School Choice Offers Flexibility for an Autistic Child

by M. Royce Van Tassell

Some children aren't ready for public schools, and public schools aren't ready for some children. Carson Smith is one of those children.

Three years ago, Carson was like most two-year-olds: He liked to put things into his mouth. And like most moms, his mother Cheryl was always alarmed at what he was putting into his mouth. When Carson bit and broke a mercury thermometer, she was terrified. She rushed him to the hospital in Sandy, Utah, where doctors showed her x-ray images of the mercury Carson had swallowed. Unfortunately, there was nothing they could do. The mercury would pass. All Cheryl could do was wait.

Two weeks into the waiting, the shoe dropped. Carson went from babbling to mute. He couldn't make noise. He couldn't talk. His social skills disappeared. He wouldn't sit still. He threw uncontrollable temper tantrums. He wouldn't even acknowledge when his mom or dad called him, no matter how stern—or loving—they were. The doctors diagnosed him with pervasive developmental disorder, a mild form of autism.

Cheryl Smith and her son Carson

Cheryl enrolled him in the Jordan Valley School, a public preschool serving special-needs children. Although Jordan Valley helps many students, the school couldn't provide the intensive interventions Carson needed. Staff recommended Cheryl try the Carmen B. Pingree School, a private school specializing in autistic students. After observing Carson for a few hours, Pingree diagnosed him with full-blown autism.

Cheryl enrolled Carson at Pingree, where he has since made a great improvement. Starting with simple tasks—like having to sit down and hold his toes still for three seconds—Carson has progressed to the point where he can now sometimes "attend"—sit still and look at the person talking to him—for a minute or more. He has learned to use the Picture Exchange Communications System to tell people what he wants. If he wants a Tootsie Roll, for example, he finds his picture book and shows Cheryl the appropriate page.

In addition, Pingree provides training for Cheryl and her family in how to communicate with Carson and how to cope with the challenges he faces.

But Pingree's services don't come cheap. To support the school's student-teacher ratio of 2:1, Pingree tuition is $21,000 per year. While Carson was in preschool, the state paid his tuition. Now that he is five and in kindergarten, it doesn't. Cheryl and her husband Frank managed to scrape together enough for the first year's tuition, but they don't know how they're going to come up with $21,000 every year. Some families have taken out second mortgages to find the money for the tuition.

At Cheryl's prompting, her local legislator, Rep. J. Morgan Philpot, toured the Pingree school and met with Carson. Moved by her love, Carson's needs, and Pingree's ability to meet those needs, Philpot called from the school to ask legislative staff to look for a way to help students like Carson.

Philpot is now sponsoring the Carson Smith Special Needs Scholarship Bill, a measure based on Florida's McKay Scholarship Program, where parents can direct their child's special education funds to a private school. Cheryl is the bill's biggest cheerleader.

"Right now, he is like wet cement," she says of her son. "With the right care now, while he's young, he may be able to someday go into a regular public school. He may be able to ride the bus, to hold a job." Without the early intervention he's getting at Pingree, though, he will harden, and never become a contributing member of society.

Royce Van Tassell is the executive director of Education Excellence Utah. His email address is **royce@edexutah.org**.

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The Friedman Report

The Milton and Rose D. Friedman Foundation is a nonprofit, 501(c)(3) organization established in 1996 by Milton and Rose Friedman. The origins of the foundation lie in the Friedmans' long-standing concern about the serious deficiencies in America's elementary and secondary public schools. The best way to improve the quality of education, they believe, is to enable all parents to have a truly free choice of the schools their children attend. The Friedman Foundation works to build upon this vision, clarify its meaning to the general public, and amplify the national call for true education reform through school choice. Contact us at **http://www.friedmanfoundation.org** for more information.

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One American Square #1760
Indianapolis, IN 46282

Indiana State Senator Teresa Lubbers:

When one size doesn't fit all, parental choice matters

by Robert Fanger

In 2001, a small group of educational choice proponents met with President George W. Bush in the Oval Office to celebrate the 10th anniversary of charter school legislation. Among them was Indiana State Senator Teresa Lubbers—a parent, former teacher, and advocate for providing parents with more and better educational options.

"Those options should not only be available to those who can afford it," said Lubbers. "Educational choice is the most pressing civil rights issue of this period in our country's history. It is not an indictment of any particular school or system; it is a recognition that no one school or system is right for everyone. Choice matters."

"Education reform depends on grassroots support from families and communities; legislative action will not lead reform but it will respond when constituents demand it."

TERESA LUBBERS
INDIANA STATE SENATOR

While discussing school choice at the White House would top the list of accomplishments for many advocates, Lubbers regards what she achieved on the home front as her greatest contribution.

"For seven years, I worked to pass a charter school law in Indiana and finally in 2001, the General Assembly passed charter school legislation," she recalled. That victory, which has resulted in the creation of 10 charter schools, was particularly satisfying since she had worked for so long to increase the educational options for parents in Indiana.

Lubbers' career began in 1973 as a high school English teacher, but she was quickly drawn to the political side of education. She took a position in the office of then Indianapolis Mayor Richard Lugar—now U.S. Senator—and in 1992 initiated her own successful run for political office, concentrating on education and economic development.

Upon election, Lubbers was appointed to serve on the Senate Education Committee, a position she has maintained to the present day. In 1995, she sponsored an unsuccessful school choice bill for parents in the Indianapolis Public Schools system. It was not until the charter school law passed in 2001 that she succeeded in providing real options for parents.

"Aside from faith and family, there is nothing more important in a child's life than the quality of education he or she receives," she said. "Providing more options is an important way to ensure a quality education for every child. If we keep our focus on children and improving student learning, the school choice movement will ultimately succeed."

Since 2001, Lubbers has joined several committees that serve the educational community beyond the state of Indiana, including the Midwestern Higher Education Commission and the Education Commission of the States. She also was appointed vice-chair of the Legislative Interim Study Committee on Education Issues.

Those appointments and the charter school legislation continue to define the Indiana lawmaker's career and her dedication to school choice. She knows parents need still more options and—even after the 2001 charter school victory—she knows the fight for school choice is far from over.

"We are making progress but much hard work remains," she said. "Education reform depends on grassroots support from families and communities; legislative action will not lead reform but it will respond when constituents demand it. The key is engaged parents who are making good decisions for their children."

Robert Fanger is the media relations and communications associate with the Milton and Rose D. Friedman Foundation in Indianapolis, Indiana. His email address is **robert@friedmanfoundation.org**.

School Choice Roundup

by Robert Fanger

COLORADO

Despite Ruling, Advocates Push Voucher Bills

Regardless of Denver District Judge Joseph Meyer's ruling that the Colorado voucher program is unconstitutional, school choice advocates in the Colorado legislature are intent on introducing new voucher bills in 2004.

Rep. Nancy Spence (R-Centennial) is sponsoring a bill that would provide special education students with vouchers for use at private schools. Spence, who cosponsored the currently suspended voucher law, explained to the *Denver Post* that the new bill will mirror Florida's McKay Scholarships, except local school boards would manage the vouchers instead of the state Department of Education.

"I want to keep the state out of it," Spence told the *Post*. "The local district can talk to a parent about what's best for their child."

State Senate President John Andrews (R-Centennial) is pushing for legislators to advance other school choice bills, such as providing tax credits for contributions to private scholarship funds.

"I really think making sure our schools truly benefit all kids, especially those in lesser economic circumstances, is one of the most urgent things for us to do this year," Andrews told the *Post*.

The continuing introduction of voucher legislation prompted the *Colorado Education Association Journal* to run a lead editorial titled "When Is Enough Enough?" The editorial claimed voucher advocates want to destroy public education and privatize K-12 schools.

Denver Post
December 26, 2003

FLORIDA

Voucher Students Excel

In Escambia County Catholic schools, most of Florida's first wave of voucher students have advanced more than one grade level on the Iowa Test of Basic Skills for each of the four years they have been in the program. Roman Catholic school officials said only two of 34 voucher students failed to meet testing goals.

"When I look at the test scores, they are very good," Sister Mary Caplice, superintendent of Catholic schools for the Diocese of Pensacola-Tallahassee, told the *Pensacola News-Journal*. "We've seen tremendous success with the voucher students."

One student, who was performing slightly below grade level when she began Catholic school, jumped six grade levels in three years under the Opportunity Scholarships Program.

"I think the amount of time in a school day that's devoted to reading and math, particularly in the lower grades, contributes to a child's success later on," Caplice said. "We also have high expectations, and we get in touch with a parent when a child is failing and work on a plan to help them succeed."

Pensacola News-Journal
December 21, 2003

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ILLINOIS

Governor Calls for Board of Education Takeover

In his January 15 State of the State speech, Illinois Gov. Rod Blagojevich called on legislators to eliminate the present state Board of Education and create one that would be under his direct control.

"It's clunky and inefficient, it issues mandates, it spends money, it dictates policy, and it isn't accountable to anyone for anything," Blagojevich said, comparing the current board to an "old, Soviet style bureaucracy."

Blagojevich attacked the state board for the fact that only 46 cents out of every Illinois education dollar finds its way into the classroom, while suggesting as much as $1.4 billion a year could be reinvested back into classroom instruction if the state could just match the national percentage of funds flowing into the classroom. Many local educators were disappointed the governor did not address their concerns about education funding relying too much on property taxes, but Blagojevich said the state first had to prove it could be trusted to be careful with citizens' money.

"Like many unaccountable bureaucracies, the Illinois State Board of Education turned into an organization that exists more for the benefit of its own administrators than for the benefit of the children of this state," the governor said.

The governor's plan would include streamlining 2,800 pages of administrative rules, allowing school districts to negotiate lower prices with suppliers, including health insurance suppliers, and providing $500 million for new school construction.

Chicago Sun-Times
Chicago Tribune
January 16, 2004

LOUISIANA

Study Shows Success in Pre-K Voucher Program

A recent study of four-year-olds using vouchers to attend private preschool classes showed the low-income students made significant academic gains while in the program.

Conducted by David Blouin of Louisiana State University, the study of the Non-Public Schools Early Childhood Development Program was based on scores of 900 students from 35 nonpublic schools and concentrated on three areas of study:

- in math, students in the private program at year's end scored higher than 60 percent of students nationally, versus higher than 22 percent of students before the year began;
- in language, private school students scored higher than 62 percent of students nationally, versus 26 percent at the beginning of the year; and,
- in writing, private school students scored higher than 68 percent of students nationally, versus 29 percent at the beginning of the year.

"What this does is say we're going to give these kids a chance to start at the starting line instead of 50 yards behind it," Mike Wang, education policy advisor to former Gov. Mike Foster, told the *Times-Picayune*. "It translates into an opportunity for these low-income students to begin school caught up to their peers."

Passed by the state legislature in 2001, the program is limited to students from families earning up to 200 percent of the federal poverty level.

The achievement gains for voucher students were slightly less than those in a similar public school program, but Wang cautioned against a one-to-one comparison of the two programs because of uncontrolled factors. For example, the private schools are not required to hire certified teachers.

Baton Rouge Advocate
New Orleans Times-Picayune
December 12, 2003

MONTANA

Lawsuit Centers on State Education Funding

The Montana Quality Education Coalition trial against the state of Montana regarding sufficient education funding opened in Helena on January 20.

The Coalition contends the current level of state financial support is inadequate, inequitable, and in direct conflict with the Montana constitution's guarantee of a quality education. The lawsuit asks the court to determine what is needed to reach the education level outlined by the constitution and then provide the resources to attain it.

East Helena Superintendent Ron Whitmoyer testified that insufficient state funds in his district had led to the shedding of highly experienced teachers. But Whitmoyer later acknowledged his schools for the most part have experienced, well-qualified teachers making more than $35,000 a year, with some being the recipients of prestigious awards. He also noted the East Helena district was able to attract teachers despite lower pay.

According to an equity analysis study performed by Lawrence Picus, a University of Southern California professor and national school finance consultant, education funding in Montana is equitable in larger districts but not in smaller ones, especially those with fewer than 150 students.

However, as Helena resident Tom Clinch points out in a *Montana Standard* op-ed, despite the coalition's claims of lack of access to a quality education, Montana students consistently score above average on national standardized tests such as the SAT and ACT.

Montana Standard
January 10, 2004
January 21, 2004
January 23, 2004

NEW HAMPSHIRE

Voucher Bill Sent Back to Interim Study

In January, school voucher supporters were unable to persuade legislators in the New Hampshire House to overturn a committee ruling sending a school voucher plan to interim study. The plan, recommended for further study last November, resurfaced at the beginning of the year as proponents of House Bill 754 attempted to push the measure to a vote.

According to the editorial board of the *Manchester Union-Leader*, opponents threw everything they could at the bill, including lies about the sponsors' motives.

"Such tactics can defeat an incomplete bill such as HB 754," the board observed. "But eventually voucher supporters will have a bill that will not be vulnerable to such attacks. When that day comes, opponents will have to argue facts. When that happens, vouchers will pass, and poor children will be freed from the educational prisons into which they now are sentenced."

HB 754 is not expected to resurface until next year.

Manchester Union-Leader
January 16, 2004

SOUTH CAROLINA

Sanford Proposes Universal Tax Credit

In his January 21 State of the State address, South Carolina Gov. Mark Sanford announced he intends to introduce a universal tax credit in February, arguing success in competing for international jobs depends on the quality of a South Carolina education

"Along with reforms we've talked about for charter schools and making sure money gets down to teachers, the goal of this plan is simple: Open up the education marketplace by giving parents more choices," said Sanford. "In addition to empowering parents, you would improve the quality of public schools."

Sanford pointed out the state has increased education funding by more than 130 percent over the past 30 years, and yet during those three decades SAT scores for South Carolina have ranked last or next to last in the nation. In addition, the Palmetto State ranks last in the nation in graduation rates, and not a single school district in South Carolina meets the new federal guidelines for adequate yearly progress.

"It demoralizes our educators when the governor says negative things about education progress," Democratic State Education Superintendent Inez Tenenbaum told the *Spartanburg Herald-Journal*. "The facts defy what he said in his speech about our public education system."

Spartanburg Herald-Journal
January 22, 2004

WASHINGTON

Seattle School Board Preempts Charter School Vote

The Seattle School Board on January 7 adopted a resolution opposing charter school legislation, an issue expected to be put to a vote in the 2004 session of the Washington legislature.

According to a study by the American Federation of Teachers, which the board cited, charter schools provide fewer services than their public counterparts, spend more on administration, and spend less on infrastructure. However, board member Dick Lilly, the sole opponent of the resolution, said he didn't want to foreclose any options for school improvement.

"Given the enormity of change that we need to make in schools in order to teach all kids, I don't want to give up anything that might be useful in our tool kit," he told the *Seattle Post-Intelligencer*.

Later in January, a charter school measure sponsored by Sen. Stephen Johnson (R-Kent) failed to pass an initial House Education Committee vote. Changes had been made to the bill to satisfy Democratic opponents, but the changes proved unacceptable to Republican supporters. The measure would allow for the creation of 70 charter schools over six years.

Seattle Post-Intelligencer
January 8, 2004
January 23, 2004

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Synergism Within the Bill of Rights

by Andrew Ausley

The Bill of Rights is the essence of American freedom. It is what makes us original among the other nations and governments. A cursory reading of the Bill of Rights is enough to bring to mind the bitter taste that was left by the British rule and occupation of the colonies. As the process for rebuilding began, it became more and more apparent that the colonists were in fear of another despotic government and were very wary of providing widespread power to a central government. The Founding Fathers realized that a compromise would be needed before a new form of government could be adopted.

The Bill of Rights stands in striking contrast to the Constitution. While the Constitution was penned as a masterful document which lays forth the powers and offices of the new government, the Bill of Rights states the things over which the government's powers may not be extended. This was an ingenious invention because the Constitution doesn't provide protection from a repeat of the tyranny which had just been warred upon. That was the catalyst for the formation of the Bill of Rights. The Bill of Rights was the perfect compromise because, as seen in the Constitution, it is the people who grant power to the government, thus it is impossible for the government to grant freedom to the people. The Bill of Rights was not written to be a list of the freedoms of American citizens, it was provided as a list of the things upon which the government may not encroach. This safeguard helped put the fears of the citizens to rest and also instilled a sense of ownership in them in respect to the government.

The Bill of Rights further unified the people and strengthened the government because it focused on the rights of the individual citizens. No government, then or now, places such high value on the rights of its citizens than that of the United States. This was introduced by the listing of the ten most basic, inalienable rights of an American citizen. This was recognized by the people and that recognition provided the strength and creditability to the central government that has allowed this nation to last for two-hundred and twenty seven years.

The Bill of Rights is the document that has made our nation into what it is today. It was and is a powerful, defining document that has changed the history of our nation many times. It has lasted these many years as a shining beacon of the liberty, freedom, and prosperity which is characteristic to our country. It is the life and breath of the freedoms we continue to possess and fight for today.

Andrew Ausley, aged 17, is a homeschooled student from Niceville, Florida who entered this essay in a contest organized by the Libertarian Party of Okaloosa County and the Advocates for Self Government. The aim of the contest was to commemorate Bill of Rights Day, December 15.

Homeschooled student Andrew Ausley is congratulated by Okaloosa Libertarian Party chairman Robert Rettie for his winning essay, "Synergism Within the Bill of Rights," which garnered Ausley a $500 scholarship.

Homeschooler Wins Bill of Rights Day Contest

Andrew Ausley, a homeschooled student from Niceville, Florida, won a $500 scholarship in December for the best essay on the topic, "Synergism Within the Bill of Rights." The contest, open to all high school students in Okaloosa County, was organized by the Libertarian Party of Okaloosa County and the Advocates for Self Government to commemorate Bill of Rights Day, December 15.

The aim of the Advocates, a nonprofit educational organization, is to present the freedom philosophy to a broad cross-section of the public and to help people evaluate and embrace the ideals of individual freedom. The Libertarian Party stands for constitutional government and opposes the initiation of violence as a means of achieving political or social goals.

On December 15, 1941—150 years after the signing of the Bill of Rights by our forefathers—Bill of Rights Day was designated by President Franklin Delano Roosevelt. He proclaimed the holiday just one week after the Japanese bombing of Pearl Harbor initiated the United States' involvement in World War II. The Bill of Rights limits the power of government and protects the rights of the people.

— *G.C.*

Outstanding High School Writing

by George A. Clowes

The learning curve says repetition of an activity leads an individual to carry out that activity more and more efficiently. But what about helping someone get started on a good set of practices to begin with? That comes from providing a good model on which the individual can frame his or her efforts. In high school essay writing, that model is provided by *The Concord Review*, a quarterly publication of outstanding works by high school students.

Each issue of *The Concord Review* contains about 10 history essays on a wide variety of worldwide topics, each running to about 5,000 words with endnotes and an annotated bibliography. The latest issue, for example, contains essays on the 1962 Cuban missile crisis, nineteenth century political cartoonist Thomas Nast, the 1968 "Prague Spring" of Alexander Dubcek, the fall of the Russian monarchy, the legacy of British involvement in the Middle East during 1914-1924, and a brief history of the Knights Templar, an order of ascetic monk knights that developed into an arrogant transnational superpower before King Philip le Beau of France ordered its destruction in 1310.

Will Fitzhugh, a Sudbury, Massachusetts high school history teacher, started publishing *The Concord Review* in 1987 to show students the high standard at which they should be aiming in their essays. As a result, students who take their work seriously enough to produce soundly researched and well-written essays have an academic journal where their work can be recognized. This not only provides encouragement to students to match the journal's academic standards, but also establishes "Varsity Academics," where students enter their work in a competition to match their academic prowess against that of their peers.

Since 1988, Fitzhugh has worked full-time on the *Review*, gathering essays from high school students across the country and around the world. To date, he has published 561 research papers from authors in 42 states and 33 other countries. *The Concord Review* is the only quarterly journal in the world to publish the academic work of secondary school students.

Teachers use the published essays as examples of good historical writing and schools in California, Connecticut, Massachusetts, New Hampshire, New York, Texas, Vermont, and Virginia have class sets of the *Review*. One girls' school in Monterey, California has 190 subscriptions for the school's history students.

George A. Clowes is managing editor of School Reform News. *His email address is* **clowes@heartland.org**.

INTERNET INFO

Further information on *The Concord Review*, including 51 sample essays and details of how to subscribe, is available at the *Review's* Web site at **http://www.tcr.org**.

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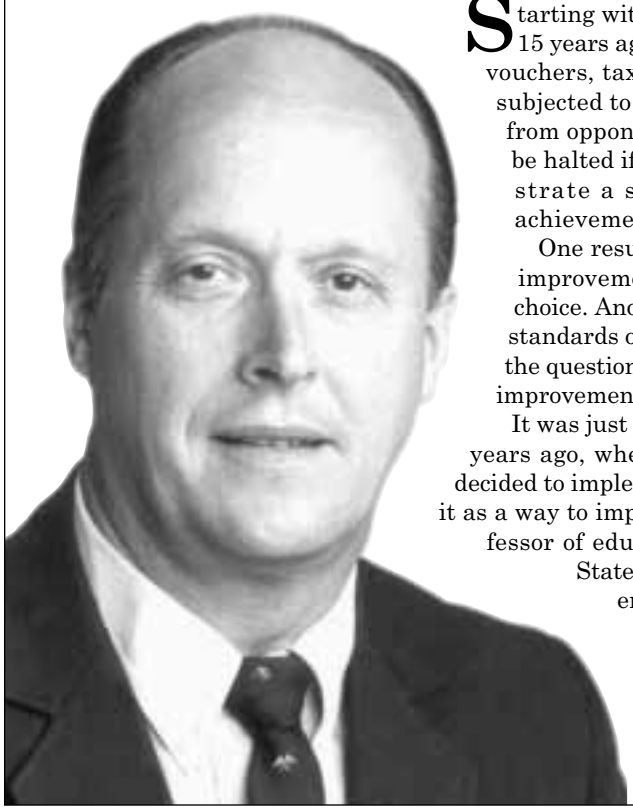
INTERVIEW

Fighting Fads by Informing Consumers

an interview with J.E. Stone
by George A. Clowes



Starting with the Milwaukee voucher program some 15 years ago, new school choice programs—whether vouchers, tax credits, or charter schools—have been subjected to an almost constant barrage of criticism from opponents who have demanded the programs be halted if research could not convincingly demonstrate a significant improvement in student achievement.

One result of such criticism has been a dramatic improvement in the quality of research on school choice. Another has been the application of similar standards of scrutiny to public education itself, with the question: Are reforms there producing significant improvements in student achievement?

It was just such a question that J.E. Stone asked 10 years ago, when the new principal at his sons' school decided to implement year-round schooling, representing it as a way to improve student achievement. Stone, a professor of educational psychology at East Tennessee State University, found most teachers and parents opposed the idea, and when he looked at the research on year-round schooling, he found the model being proposed had no effect on student achievement. When the research findings made no difference to the principal's advocacy of the year-round plan, Stone realized just how little ability parents and taxpayers have to influence school policy, despite the fact that they furnish both the children and the money.

Stone's response was to create a better-informed education consumer. He formed the Education Consumers' ClearingHouse in 1995. The ClearingHouse, a by-subscription, for-profit organization, was originally intended as an information resource for parents who needed help in understanding what they were being told by school officials. It was later expanded to include school board members, legislators, and others who have a consumer's stake in education.

As a spinoff from the ClearingHouse, Stone also formed the Education Consumers Consultants Network—a team of education professors and experienced educators committed to independent and consumer-friendly consulting service. The Consultants Network provides second opinions on educational research and policy issues and other services of interest to parents and lay policymakers.

Stone has been involved in teacher education for some 30 years. After receiving an Ed.D. in educational psychology from the University of Florida in 1972, he joined the College of Education at East Tennessee State University in Johnson City, Tennessee. He is a licensed educational psychologist and licensed school psychologist. His research interests are in teacher effectiveness and the value of teacher certification. He is particularly concerned about the low quality of much educational research. Stone spoke recently with *School Reform News* Managing Editor George Clowes.

Clowes: *No Child Left Behind has focused attention on measuring how well children are being educated, but what do you see as the fundamental aim of educating a child?*

Stone: The end product is a young adult who is equipped to succeed in life. There are certain minimums implied by that definition: certainly literacy skills, a base of substantive knowledge, and of course, values such as honesty and a sense of responsibility. The primary and most immediate goal, however, is academic achievement.

This "ready for work, ready for life" concept of what education should accomplish is a very broad definition. Parents want more than the minimums. They want their youngster to "be all you can be"—just like the Army recruitment ads.

Schools generally acknowledge that they are responsible for respecting the aims of parents and the public, but they have their own vision of how the job should be done and how the outcome should be assessed. In effect, they see themselves—not parents, not taxpayers, not elected policymakers—as the ultimate arbiters of questions about education quality.

Clowes: *In achieving their aims, educators frequently talk about educating children through the use of "Best Practices." Are these the teaching practices that over the years have proven to be most effective in educating children?*

Stone: The public assumes that "Best Practices" are the ones that work best, i.e., the ones that produce the best learning. In fact, however, the people who wrote the book on *Best Practice*—Steve Zelman, Harvey Daniels, and Arthur Hyde—use the term to mean something quite different; and when educators talk about Best Practices, they are using Zelman *et al.*'s definition.

What Zelman and his colleagues did is distill from the education literature those practices that education experts and teachers consider to be the most desirable. In general, these are practices that involve some form of student-led or student-centered instruction, constructivism, and collaborative learning. They are not necessarily practices that produce the best achievement outcomes; rather they are the ones that agree with the education community's pedagogical ideals.

In reading, for example, Zelman *et al.* consider whole language reading instruction to be far superior to the structured and systematic approaches identified by the National Reading Panel's recent report. With regard to other subjects, Zelman *et al.* consider discovery-oriented teaching preferable to traditional approaches, i.e., ones that take a direct route to curricular objectives predetermined by the teacher.

Because they believe social workgroup skills are of equal or greater importance than academic outcomes, they consider the use of student-led cooperative learning groups to be better than teacher-led group instruction.

Clowes: *Is Best Practice what prospective teachers are taught in schools of education?*

Stone: Yes, for the most part. Teacher education institutions are much-taken with the idea of Best Practice. In fact, the Zelman-Daniels-Hyde book, which is currently in its second edition, is very popular in teacher education programs. It's been widely adopted.

At an American Enterprise Institute program in October 2003, Professor David Steiner of Boston University presented a study of syllabi from teacher education courses taught at universities around the country. It is one of the few studies that takes a look "under the hood" at what is being taught in such courses.

The schools from which the syllabi were drawn include the Universities of Georgia, Illinois, Maryland, Michigan, Texas, Virginia, Wisconsin, Columbia, Eastern Michigan, Harvard, Indiana University, Michigan State, Penn State, UCLA, and so forth.

To give you a feel for the results, he found only two syllabi out of about 50 that talked about conventional, teacher-led instruction at all. To the contrary, most of these schools taught cooperative learning, whole-language reading, and so on. The pedagogical philosophy most often found in the more than 200 syllabi was constructivism.

Constructivism is the view that the most important outcome of education is the understanding formed by the individual learner. It is an intuitively appealing concept that contains some very unconventional implications for teaching. Constructivists believe that impressions formed by the learner cannot be controlled by the teacher, thus teachers can be responsible only for what they are teaching, not what stu-

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dents are learning. Consequently, constructivists also disagree that student test performance reflects how well a student was taught. In other words, tests—especially objective tests—fail to take the learner's unique impressions into account, and therefore fall short as indicators of "true" learning.

It is a view that largely precludes teacher accountability for measured student achievement.

Clowes: *The certification of teachers by the National Board of Professional Teaching Standards seems to focus on how teachers teach rather than how effectively they teach. What is your view on NBPTS certification?*
Stone: The validity of NBPTS standards is unproven insofar as teacher effectiveness is concerned. I did a study of NBPTS-certified teachers here in Tennessee. Tennessee's accountability system tracks the student achievement gains earned by a given teacher's students and it does so in a way that levels the playing field among them. What I found is that Tennessee's board-certified teachers are just average. None

"When bridges collapse or patients die, the public demands answers. But when education fails, policymakers return to the same establishment sources for more advice."

was producing exceptional levels of student achievement. Moreover, I have gained access to some more recent data since the 2002 report and the picture remains the same.

The National Board claims the teachers it certifies do an excellent job of teaching, but it has not shown this "excellence" to be linked to measured student achievement. A number of new studies are under way, but no results are available.

There is a hidden issue in the Board's representations and it goes back to the point I made about Best Practice. National Board officials say board-certified teachers are well-versed in Best Practices, but that isn't the same thing as claiming they are high producers of student achievement. To the contrary, the Tennessee NBPTS teachers are mostly average.

Clowes: *While teachers in elementary schools follow Best Practice, teachers in Head Start and early childhood programs follow "Developmentally Appropriate Practice." After what you've said about Best Practice, is there anything about "Developmentally Appropriate Practice" that should be of concern to parents, too?*
Stone: Yes, there is something that people—parents and policymakers—should be concerned about. The term "Developmentally Appropriate Practice" is included in statutes and regulations throughout the states. There are all kinds of state education department guidelines calling for the use of Developmentally Appropriate Practice.

In essence, the term refers to the idea of matching instruction to the child's developmental stage. Like Best Practice, it is an intuitively appealing concept. As understood by the average person, it means that it is inappropriate to teach algebra to second graders or to use military-style teaching in a preschool.

It is in the application of this otherwise-appealing idea that the problem arises. When teachers talk about using Developmentally Appropriate Practice in schools and daycare centers, they mean the child should be taught in a way that best suits the child's stage of intellectual development. In theory, at least, they are optimizing benefit to the child and avoiding the harm—i.e., frustration, burnout, etc.—that might result if the child is asked to do more than what the child's developmentally governed capacity is presumed to permit.

The problem is that a child's degree of intellectual development is not a visible, easily assessed characteristic like height or weight; as a result, teachers using Developmentally Appropriate Practice are rarely confident about spurring or challenging a child to move beyond his or her present level of learning. Instead, they let the child set the pace of educational progress—a tactic that works fine but only with children who are clearly ready to move ahead, i.e., visibly energetic, ambitious, and probably from advantaged circumstances.

Clowes: *What are curricular or academic standards for teaching in early education?*
Stone: The Developmentally Appropriate Practice concept is the centerpiece to early childhood educators' ideas about sound teaching practice. It is also a prime impediment to the establishment of any kind of academic standards for Head Start and other early childhood programs.

For years, the whole early childhood education profession has resisted the idea that children should reach certain academic benchmarks—like being able to say their ABCs or being able to count to 50—because they feared such goals might overtax the capacity of some children.

Here, for example, is the policy statement on Developmentally Appropriate Practice from the National Association for the Education of Young Children (NAEYC) in 1988. The author is Sue Bredekamp, who was then the head of NAEYC and is still one of the major figures in that organization.

The policy states the following actions are developmentally *inappropriate* for preschoolers:

- "The teacher's role is to correct errors and make sure that the child knows the right answer in all subject areas."
- "Teachers reward children for correct answers with stickers or privileges, or praise them in front of the group, and hold them up as examples."

Note that these are considered to be *inappropriate* practices. A number of observers have commented on the effect of such strictures. Here is a quote from John Merrow in a September 25, 2002 article in *Education Week* about the failure of Head Start:

"One reason for [Head Start's] failure was the misguided practice at some Head Start centers where teaching of the alphabet was actually banned."

Although Merrow says banning the alphabet was "misguided" and presumably anomalous, it is a practice that clearly follows from the NAEYC guidelines for Developmentally Appropriate Practice.

The effect of Developmentally Appropriate Practice in preschool programs is that children who are advantaged and who naturally seek to extend themselves are further enriched. But the children who lack motivation and entry-level skills, such as the ability to say their ABCs, are left at the starting gate. Developmentally Appropriate Practice amounts to a pedagogical policy of non-intervention: You may do harm, so don't do anything.

Apparently, NAEYC has sensed that the DAP doctrine is out of step with the times. In policy statements of recent years, NAEYC has moved away from using the term "Developmentally Appropriate Practice." Recent documents, such as "Pre-K Guidelines for Learning and Teaching," speak of "Appropriate Practice" or "Culturally Appropriate Practice." In truth, they are talking about another version of the same thing—i.e., a theory-based restriction on practice that precludes preschool accountability for literacy outcomes.

Despite the NAEYC's public posture, Developmentally Appropriate Practice remains a staple at NAEYC-accredited day care centers and Head Start programs. The same holds true for the teacher-training programs. They still exaggerate the dangers of expecting too much and ignore the dangers of expecting too little. Now, however, they call it "Appropriate Practice."

Clowes: *How do you see school choice affecting early childhood education practices, teacher training programs, and what goes on in schools?*
Stone: The public schools, teacher training institutions, and stakeholder groups like the National Education Association are so large and well-established that market competition is the only practical way to restrain their overwhelming ability to pursue their self interests. Surges of public concern can alter policies temporarily but these stakeholder groups are like the tide: They eventually get want they want—which is typically more money. Choice and a freer marketplace are desperately needed.

At present, the balance of power between consumers and providers is slowly moving in a more favorable direction for consumers. Consumers are becoming aware that educators have a self interest in what they tell the public about education and so consumers are beginning to seek sources that are dedicated to consumers exclusively. Of course, that's where our Education Consumers ClearingHouse and Consultants Network come in. We are only one of a number of organizations that stand for consumers, but we may be unique in that we are taking an entrepreneurial approach to the issue. Our aim is to let the market assure our credibility. If we fail to demonstrate our commitment to consumers, we will go out of business.

A marketplace dominated by education's producers is not good for the consuming public or for education. For decades, educational fads and fancies have gone unchallenged because lay decisionmakers had no credible source of consumer-friendly information. The human cost to the children and families

"[P]ublic schools, teacher training institutions, and stakeholder groups … are like the tide: They eventually get want they want—which is typically more money."

who were subjected to these experiments has never been tallied nor has anyone been held accountable.

When bridges collapse or patients die, the public demands answers. But when education fails, policymakers return to the same establishment sources for more advice. There couldn't be a more powerful demonstration of the degree to which the education community's views dominate the conventional wisdom.

Plainly, education will never improve so long as policymakers keep buying their ideas from the same people. Fads and pedagogical snake oil are still being promoted in schools, authenticated by researchers, and validated by licensure and certification mechanisms. We at the ClearingHouse are working alongside other independent organizations to provide a consumer-friendly alternative.

INTERNET INFO

Visit the Education Consumers' ClearingHouse Web site at **http://www.education-consumers.com**.

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Doyle Veto Means Rationing for Milwaukee Vouchers

by George A. Clowes

The double-digit growth rate of the Milwaukee Parental Choice Program (MPCP) will drop to zero within the next two years as participation in the program hits the cap imposed when MPCP was first expanded to include religious schools almost a decade ago. As a result, Wisconsin's Department of Public Instruction (DPI) is preparing a plan to ration the available seats.

State legislators saw the crunch coming and tried to head it off, but their plans were thwarted last November when Governor Jim Doyle (D) vetoed a series of bills that would have freed the city's voucher program and charter schools to continue their growth.

One of the vetoed bills would have eliminated MPCP's enrollment cap, which limits the number of participants to 15 percent of the enrollment in the Milwaukee Public Schools, or about 15,000 students. DPI officials report 12,950 participants in the current school year, up more than 15 percent from the previous year. A similar percentage increase next year would put enrollment within 100 of the 15,000-student cap.

Provisions in other vetoed bills would have:

- opened the voucher program to private schools throughout Milwaukee County, not just within the city;
- allowed students to remain in the program even if their parents' income grew to exceed the cut-off level;
- allowed students who live outside the city to attend charter schools in Milwaukee;
- directed the Legislative Audit Bureau to conduct an ongoing evaluation of the voucher program.

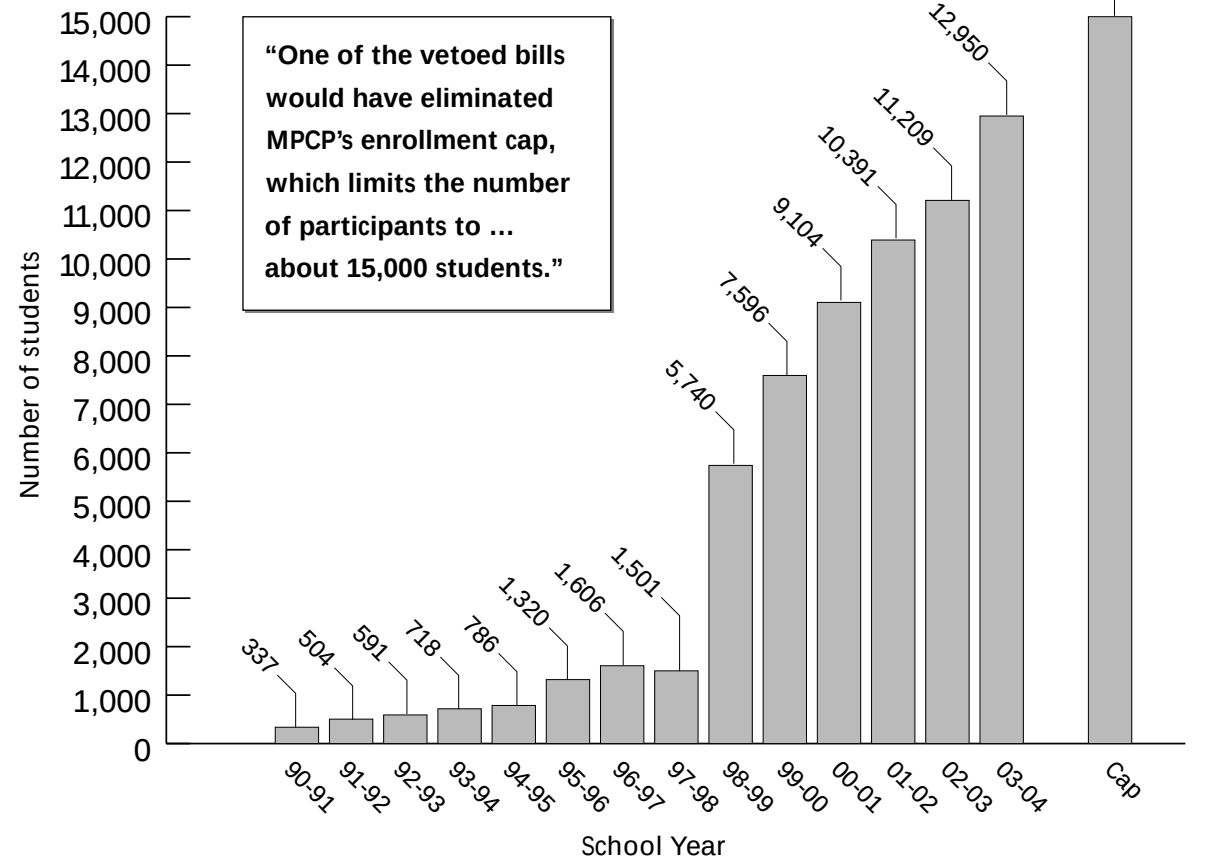
In his veto statement, Doyle said any changes to the voucher program should also address "serious concerns that have been raised about accountability." Kole Kneuppel, principal of St. Marcus School, which enrolls voucher students, suggested to the *Milwaukee Journal-Sentinel* that Doyle's allegiance to the teacher union—which strongly opposes vouchers—had taken precedence over the children in the school choice program.

Sen. Jeff Plale (D-Milwaukee) is sponsoring legislation that would address Doyle's accountability concerns and require schools that participate in MPCP to have sound fiscal practices and conduct criminal background checks on all employees. Plale's bill, which has bipartisan support and the backing of a coalition of MPCP schools, also would clarify DPI's authority when schools violate program rules.

George A. Clowes is managing editor of School Reform News. *His email address is* **clowes@heartland.org**.

Enrollment in Milwaukee's Voucher Program

Could hit 15,000 cap in 1-2 years



Source: Wisconsin Department of Public Instruction

Costs

Continued from page 1

received financial aid.

Rep. Howard "Buck" McKeon (R-California) has introduced H.B. 3311, the Affordability in Higher Education Act, which seeks to address the rising cost of tuition. The bill would establish a tuition cost index to track the rate of growth of tuition and would require institutions to submit information regarding their costs. Starting in 2011, if a school had raised its tuition at a rate significantly higher than the growth in the tuition cost index, the federal government would be authorized to stop direct subsidies to that institution.

The House of Representatives is expected to act on this and other provisions of the HEA in 2004. The Senate Health, Education, Labor and Pensions Committee has held hearings but has not held a mark-up.

The House of Representatives has voted on several parts of the HEA, including those that address teacher education and graduate and international studies programs.

Although research findings are inconclusive, there are indications federal loans and tax credits designed to make college more affordable have contributed to the rise of tuition. Tuition and fees at public and private four-year institutions have risen 38 percent in the past 10 years. In the past 22 years, the cost of a public four-year college education has increased by 202 percent.

"Over the past three decades the federal government has poured three-quarters of a trillion dollars into financial aid for college students. So why is college getting less—not more—affordable?" asks *Forbes* writer Ira Carnahan. "One answer seems to be that all those federal dollars have given colleges more room to jack up tuition. ... The more cash the government pumps into parents' pockets, the more the schools siphon from them."

In 2003, the federal government made $59 billion available to students in the form of loans and grants:

- $12 billion for voucher-like Pell Grants and Supplemental Educational Opportunity Grants to poor students;
- $1.2 billion in employment subsidies (work-study);
- $1.2 billion in Perkins Loans for low-income students;
- $170 million to state matching grants;
- $1 million for "loan forgiveness" for child care workers;
- $31 billion in guaranteed loans (the Federal Family Education Loan Program, or FFEL); and,
- $12 billion in loans in the federal government's Direct Loan program.

In 2003, HEA also provided fellowships, academic scholarships, grants to universities for teacher education and other area studies, as well as funds to institutions serving large numbers of minority students.

HEA is not the only source of government funding for higher education. Higher education institutions receive billions of federal dollars for research and contract work. Additionally, federal Hope tax credits provide about $6 billion to mostly middle- and upper-income students.

Since 1965, the guaranteed loan program has grown exponentially. In four decades, the government has guaranteed loans of more than $485 billion. Federal aid program participation increased after the 1992 reauthorization enabled more middle- and high-income students to receive subsidized and unsubsidized loans.

"Unsubsidized loans" is something of a misnomer, since all guaranteed loans are subsidized to one degree or another. Taxpayers pay the interest on "subsidized loans," and they pay subsidies to banks on all federal loans to keep the interest rates below the market rate and administration costs.

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INTERNET INFO

Additional information about the rise of college tuition is available in a report titled "The College Cost Crisis" by John Boehner (R-Ohio), chairman of the Committee on Education and the Workforce, and Howard P. "Buck" McKeon (R-California), chairman of the 21st Century Competitiveness Subcommittee. The report is available online at **http://edworkforce.house.gov/issues/108th/education/highereducation/CollegeCostCrisisReport.pdf**.

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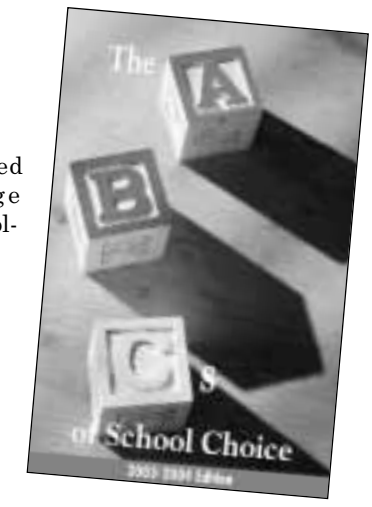
School Reform News is pleased to announce the addition of Robert C. Enlow, executive director of the Milton & Rose D. Friedman Foundation, as a contributing editor.

The ABCs of School Choice



When there were just two small school choice programs in the nation—in Vermont and in Maine—keeping up-to-date wasn't too difficult. Now, with new programs being enacted every year, it's much more of a challenge to stay informed not only about different types of programs in different states but also about the regulations governing each program and about research results from specific programs. The Friedman Foundation's 2003-04 edition of *The ABCs of School Choice* meets that challenge and puts a wealth of information in the hands of school choice advocates.

Even though charter schools and privately funded scholarship programs aren't included, the ABCs booklet still takes two dozen pages to summarize the school choice programs that have been implemented in Arizona, Cleveland, Colorado, Florida, Illinois, Maine, Milwaukee, Minnesota, Pennsylvania, and Vermont. Information about each program is conveniently organized into a two-page spread under the following headings:

- Program Description
- Scholarship or Voucher Value
- Student/School Participation
- Student Eligibility
- Selection Criteria
- Legal Status of the Program
- Regulations on the Program
- Research on the Program
- Governing Statutes and Amendments

The booklet also contains a glossary of school choice terms and responses to frequently asked questions about school choice. Robert Enlow, executive director of the Milton & Rose D. Friedman Foundation, said the publication would provide school choice advocates with "a valuable tool" with which to combat "half-truths about the issue."

"Opponents of vouchers and tax credits have redoubled their efforts to stop any kind of parental choice and freedom in education," said Enlow, noting almost all new school choice initiatives come under multiple legal challenges from opponents.

About the Foundation

For the Friedmans, the Milton & Rose D. Friedman Foundation is the culmination of almost five decades of interest in improving the quality of education for all the nation's children, whether they are educated in government schools, in private schools, or at home. That interest began in 1955 when they suggested the idea of educational vouchers as a more equitable and efficient means for delivering education.

"The interjection of competition would do much to promote a healthy variety of schools," they wrote. "It would do much, also, to introduce flexibility into school systems."

But after seeing attempts to introduce educational vouchers almost always beaten back by well-financed and mendacious attacks by the educational establishment—administrators and teacher unions—the Friedmans concluded the achievement of effective parental choice required an ongoing educational effort among a range of cooperating groups to inform the public about the issues and possible solutions. The Foundation is their contribution to that objective.

— G.C.

INTERNET INFO

Copies of *The ABCs of School Choice* may be obtained from the Milton & Rose D. Friedman Foundation, One American Square, Suite 1750, Box 82078, Indianapolis, IN 46282; phone 317/681-0745; Web **http://www.friedman.foundation.org**. The booklet also is available online at **http://www.friedmanfoundation.org/resources/publications/ABCs2003Web.pdf**.

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Unsafe Structures

Many students could have been injured last October when a 30-foot span of ceiling collapsed in a school library built by the Miami-Dade County Public School District (MDCPS) only five years earlier. Fortunately, the structural failure occurred on a weekend, when no students were working at the tables and chairs crushed by the debris.

But to Surfside Mayor Paul Novack, not only had the ceiling failed, but "the process of construction, inspection, and acceptance had failed, further raising concerns over the safety of school facilities" in the Miami-Dade District. District inspectors had not checked the ceiling work, part of a $3.4 million remodeling project.

Novack had previously raised concerns about the safety of children in Miami Beach High School when he found fire doors padlocked, the fire alarm system dysfunctional, and local fire chiefs powerless to enforce remedies. State law was subsequently changed to give local fire chiefs authority to enforce fire code provisions in schools. Responding to reports of other MDCPS deficiencies, the State of Florida established an Advisory and Oversight Board for the District and appointed Novack to the Board.

Among the concerns the Advisory Board identified about MDCPS operations:

- The Advisory Board had difficulty in "receiving accurate and complete financial information" from MDCPS.
- MDCPS routinely failed to hold building firms liable for construction flaws and then paid exorbitant fees to have problems corrected.
- Information provided by MDCPS on its construction projects was "incomplete, inaccurate, contradictory, and misleading."
- Only 53 percent of a 1988 $980 million bond issue was actually spent on construction.
- Funds intended for maintenance of older schools have been diverted to correct defects in new construction, leading to deferred maintenance needs in excess of $1 billion.

Last May, Novack and the Advisory Board called for a comprehensive forensic audit of the District's Capital Construction Program, but the request has yet to be approved.

Early last year, the *Miami Herald* ran a five-part series of articles resulting from the newspaper's investigation of "Crumbling Schools, Crowded Classrooms" in Dade County schools. Among the findings: Despite having received almost $6 billion since 1988 for building, repairing, and maintaining schools, more than 44,000 repeatedly flagged fire- and life-safety hazards remained uncorrected, and many schools lacked basic safety items such as fire extinguishers, exit signs, and smoke detectors.

"While taxpayers are being serially ripped off, it's the children who are paying the highest price for the school district's misconduct," said *Miami Herald* columnist Carl Hiaasen. "They're the ones being crammed into overcrowded classrooms inside crumbling firetraps."

INTERNET INFO

Further information on school safety issues in South Florida is available online from the Town of Surfside at **http://town.surfside.fl.us/resources_school.html.**

The *Miami Herald*'s "Crumbling Schools, Crowded Classrooms" series is available online at **http://www.miami.com/mld/miamiherald/living/education/5174472.htm.**

School Safety

by George A. Clowes

Schools are responsible for providing a safe environment for students in their care, but some government schools fail in significant ways to live up to that responsibility.

Students Slain Following Threats, Harassment

Last December 11, officials at Thomas Jefferson High School in Richmond, Virginia reportedly heard an angry 16-year-old Philip Hicks threaten to stab his 15-year-old classmate, Justin Creech, because of a dispute over a girl. However, Hicks wasn't recommended for suspension because no knife was found on him when he was searched by a security officer.

Hicks is now accused of fatally stabbing Creech a month later, on January 5, when both teens were truant from school.

In the case of 16-year-old Roosevelt High School student John Jasmer in Seattle, Washington, the father of a former Roosevelt student told a school district consultant last August that his daughter had overheard two other students planning to kill Jasmer. A few days later, Jasmer was dead and the two students were charged with first-degree murder, accused of luring Jasmer to the Tulalip Reservation, killing him, and burying his body in a shallow grave.

Seattle School District officials are investigating whether its employees failed to act on the information they were given about the danger to Jasmer.

The mother of slain 15-year-old Reagan High School student Ortralla Mosley believes the Austin School District and its officials could have prevented her daughter's death last March but instead were "deliberately indifferent" to the danger she was in. In December, Mosley's mother filed a federal lawsuit seeking $23.2 million from the Texas school district.

Mosley was fatally stabbed by a fellow Reagan student, 16-year-old Marcus McTear, during the final period of the school day. She had broken up with McTear the previous day and had told school officials she was afraid of McTear, who had a record of assaults against female students in the district.

"At the time immediately after those assaults or harassive acts, the district did not take effective steps to ensure that assaults and sexual harassment by Marcus McTear against female students did not continue," the lawsuit charges.

Unsafe Food

California may have a problem with keeping school bathrooms clean, but Chicago has a problem with keeping school kitchens clean.

Late last year, food operations at 13 Chicago schools were suspended after city inspectors found mouse feces—and rat feces in some cases—in school kitchens and classrooms. In January, Chicago Public Schools officials ordered a "top-to-bottom scouring" of the district's more than 600 schools to protect student health, although schools CEO Arne Duncan stressed there had been no evidence of food contamination at any of the schools.

The problem with rodents is of particular concern because of the diseases they carry, according to Streets and Sanitation Commissioner Al Sanchez.

"If we allow them to get to our food source, there's a strong possibility we might get something they are carrying," he told the *Chicago Tribune*.

Duncan warned school employees if they could not keep their schools clean, "we'll find someone else who can." However, responsibility for school cleanliness is often fragmented among several parties, including contract maintenance service, contract food service, janitors, and building engineers.

A week before the Chicago school cleanup was announced, Illinois Governor Rod Blagojevich had blasted state officials for ignoring signs of food adulteration that ultimately resulted in 42 Illinois children becoming sick after eating chicken contaminated with ammonia. Two State Board of Education officials were charged with 45 counts of reckless conduct in connection with the incident.

"Because they ignored the risk, those children got sick," said Blagojevich, proposing to centralize responsibility for food service inspections in the Illinois Departments of Agriculture and Public Health.

A 2002 *Chicago Tribune* investigation had revealed details of the ammonia contamination as part of a broader investigation into the safety of school meals. The newspaper found extensive safety violations not only in school kitchens and cafeterias but also in the processing plants that produce food for schools.

A subsequent report from the General Accounting Office showed a disturbing increase in the incidence of food poisoning in K-12 schools nationwide during a period when there was a significant decline in such incidents among the population at large. Two-thirds of the largest 59 outbreaks of food poisoning in schools during the 1990s were linked to the federal government's school meal program.

"I think most parents believe the food their children are being served in school is closely watched over and that someone—the federal government, at least—would pull that food if it's not safe. That's simply not the case," U.S. Rep. Jan Schakowsky (D-Illinois) told *Education Week* last year.

INTERNET INFO

Further information on food-related illness in K-12 schools is available in Darcia Harris Bowman's June 4, 2003 *Education Week* article, "Tainted Food on the Rise in Cafeterias," available online at **http://www.edweek.org/ew/ewstory.cfm?slug=39food.h22**.

Information also is available from the May 2003 report from the General Accounting Office, "School Meal Programs," available online at **http://www.asfsa.org/newsroom/sfsnews/gaofoodsafetyrpt.pdf**.

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Schools Are More Dangerous Than Data Suggest

by George A. Clowes

Last fall, every state was required by the No Child Left Behind (NCLB) Act to identify schools with a "persistently dangerous" atmosphere so parents would have a better idea of whether their children were being educated in a safe learning environment. When 44 states denied having any such schools and the remaining states admitted to having a combined total of fewer than 50, one safety expert greeted the publication of the lists with a Bronx cheer.

"It's a joke," Kenneth S. Trump told Pamela M. Prah of *Stateline.org*. Trump is president of National School Safety and Security Services, a Cleveland-based consulting firm. "Parents are getting a very misleading message, which creates a false sense of security about the safety of their child's school," he said.

One reason most states found so few "persistently dangerous" schools is because NCLB allows states to define for themselves what "persistently dangerous" means. In California, for example, it means expulsion of students for committing federal or state crimes. In Pennsylvania, it means students doing something dangerous, like bringing a knife to school. A Pennsylvania-like standard—timely reporting of dangerous incidents by type by school by year—is what most parents would find helpful in identifying dangerous schools for themselves.

As well as differences in definitions and standards, data on school safety may also be misleading because of differences in the way dangerous incidents are handled at different schools, less-than-accurate reporting of such incidents, and school administrators who ignore signals that students are in danger from other students or from teachers.

Comparisons Difficult, Even Within a District

When the Austin *American-Statesman* analyzed five years of high school discipline data for the Austin Independent School District last September, the Texas newspaper found fights and assaults had increased at most high schools over the past two years, with reported incidents of violence increasing 33 percent across the district.

"But the total numbers in the discipline reports over five years tell an incomplete story about school safety," wrote reporter Kathy Blackwell. "They fluctuate wildly from campus to campus because each has discretion over how to discipline all but the most serious offenses, making comparisons difficult."

According to the *American-Statesman* analysis, almost half of the 70 possible violations of the discipline code are discretionary offenses. That means campus officials can choose the punishment—including punishments that do not have to be included on the school's discipline record. "The number of reported discretionary incidents varies widely from campus to campus," noted Blackwell. In addition, officials sometimes didn't record a criminal violation for assault if the victim and/or the parents asked them not to.

After the on-campus murder of Reagan High School cheerleader Otralla Mosley last March by a fellow student with a history of on-campus assaults, the district hired a group of lawyers to study violence at the school. Their report found many fights and aggressive acts at Reagan and found the system for reporting violence to be inadequate—yet declared the campus safe.

"The present system of reporting disciplinary data is not fully appropriate for the purposes of evaluating the incidence of violence in Austin ISD schools," they concluded.

Among their recommendations:

- Focus on crisis prevention rather than crisis response.
- Establish uniform reporting, maintenance, and evaluation of incident data for the school board.
- Report all criminal activities by students to law enforcement.
- Apply punishment consistently.

Reporting by campus still would give an incomplete picture of school safety because, as students told Blackwell, the "serious" fights take place off-campus after school.

Violence Not Confined to High Schools

An eighth-grade boy was left with multiple skull fractures as the result of an unprovoked assault by another eighth-grade boy at Citrus Springs Middle School in Florida two years ago, according to a lawsuit filed last October against the school board by the victim's parents. The lawsuit alleges the incident could have been avoided if the school board had responded properly to similar incidents of fighting and assaults at the middle school.

According to the lawsuit, the victim was attacked from behind by the other boy, who was known to have violent tendencies. The victim was kicked in the back, knocked to the ground, jumped on, and kicked repeatedly on the right side of his face. The school board attorney denied the boy was injured as a result of the school board's action.

In the 2001-02 school year, Drew Middle School in Detroit, Michigan reported 65 physical assaults, four sexual assaults, two arson incidents, and 12 occasions when weapons were found on campus. The data for West Bloomfield High School, in Oakland County, Michigan, were not much different: 94 physical assaults, two sexual assaults, and eight weapons found on school property. Neither was classed as a "persistently dangerous" school.

Violence occurs in elementary schools, too. By the time the current school year was four months old, the Philadelphia school district had experienced 19 reports of weapons possession and 42 assaults—not by high school students but by children in kindergarten or first grade. Twenty-one of the assaults took place in one elementary school during the first two months of school.

A Florida teacher last May sued the Orange County public schools because of problems she had with a single kindergartner. At lunch one day, he allegedly stabbed one classmate with a fork and started a fight with another. On another day, he hit three fellow students and took a swing at a fourth. On a third day, he hit two other students and poked a third in the chest with a pencil.

Coaches Who Prey on Girls

Washington State Senators Jeanne Kohl-Welles (D-Seattle) and Don Benton (R-Vancouver) in January introduced a package of seven bills designed to close loopholes in the process for disciplining school employees accused of sexual misconduct or abuse with students. One of the bills would authorize the Washington Interscholastic Activities Association to post an Internet listing of coaches who have had disciplinary action taken against them.

Other provisions in the bills would require school districts to check criminal records and information on past sexual misconduct in background screening of potential employees. School officials would no longer be allowed to expunge misconduct findings from a past or present employee's records. Most important, school districts would no longer be allowed to let an employee with a history of sexual misconduct transfer to another district without making the receiving district aware of the employee's previous misconduct.

The bills were prompted by the publication in December last year of the shocking results of a year-long investigation by the *Seattle Times*, titled "Coaches Who Prey: The Abuse of Girls and the System that Allows It."

The investigation found coaches who had sexually abused young girls not only have escaped prosecution but are still working in similar positions in other school districts. Out of 159 coaches in Washington who have been fired or reprimanded for sexual misconduct over the past decade, at least 98 are still teaching or coaching—"as schools, the state, and even some parents looked the other way," according to reporters Christine Willmsen and Maureen O'Hagan.

In one report, Willmsen and O'Hagan detail how the Bellevue School District and Washington Education Association tried to conceal records of teachers and coaches accused of sexual misconduct. After the newspaper requested access to teacher misconduct records, the teacher union local in Bellevue organized a plan to destroy documents in teacher files to keep the information from the public.

The *Seattle Times* investigation covered incidents only in the state of Washington. As AP sports columnist Steve Wilstein noted, the number of victims on a national level could number in the "tens of thousands."

George A. Clowes is managing editor of School Reform News. *His email address is* **clowes@heartland.org.**

INTERNET INFO

The results of the year-long investigation by Christine Willmsen and Maureen O'Hagan were reported in the series, "Coaches Who Prey: The Abuse of Girls and the System that Allows It," in the *Seattle Times* December 14-17, 2003. The reports are available online at **http://seattletimes.nwsource.com/news/local/coaches**.

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